

HISTORICAL RECORDS
OF
AUSTRALIA.

COMMONWEALTH OF AUSTRALIA.

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HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND
FROM ENGLAND.

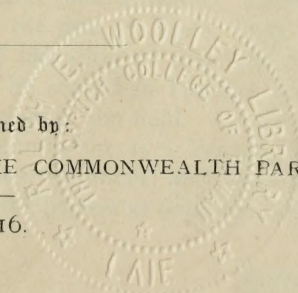
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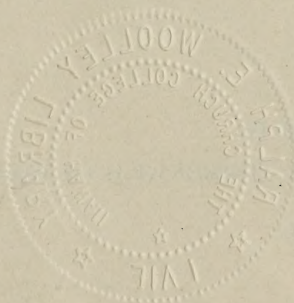
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1916.



COMMONWEALTH OF AUSTRALIA
HISTORICAL RECORDS
AUSTRALIA

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—
1916.



INTRODUCTION.

LACHLAN MACQUARIE.

By the appointment of Lachlan Macquarie as governor of New South Wales, the government showed that English opinion had changed regarding the qualifications required by the man who was to administer and control the affairs of the distant colony. Macquarie's predecessors had been naval officers. When captain William Bligh had been appointed at a salary of £2,000 *per annum*, it had been recognised that the growth and importance of the settlements made it necessary that an officer of not less than flag rank should hold the position. The disastrous result of placing a stern, outspoken naval post-captain in the command of a colony where the military party was predominant had been shown in the usurpation of Bligh's government. The appointment of a military governor of equal rank was determined, and the final selection was made of Macquarie. Instead of being accustomed to the bluff manners of the quarter-deck, Macquarie was courteous and politic. He had served on the staffs of the earls of Harrington and Cavan, Sir Robert Abercromby, Sir David Baird, and General James Stuart, and by experience had acquired the attributes necessary for an executive officer to avoid friction and useless controversies.

Lachlan Macquarie was born on the 31st of January, 1761. He was a descendant of the chiefs of the clan Macquarie in the island of Ulva, one of the Hebrides islands. At the time of his birth, his relative, Lauchlan Macquarrie, the sixteenth and last chief of the clan, had fallen on evil days, and in 1778 the family estates were sold by order of the creditors. Lachlan Macquarie was one of three brothers; the eldest lived and died a farmer, Lachlan and Charles entered the army. On the 9th of April, 1777, he was gazetted an ensign in the second battalion of the 84th regiment. Until the end of the year 1780, he served in Halifax and Nova Scotia, but was not on active service in the field. On the 18th of January, 1781, he received a commission as a lieutenant in the first battalion of the 71st Highland regiment, and was employed on garrison duty at New York and Charleston until the close of the

war with the American colonies, when the regiment was transferred to Jamaica. On the 4th of June, 1784, he was placed on the half-pay list, and he returned to Scotland. In November, 1787, whilst residing with his mother at Oskamull, he was offered the appointment of eldest lieutenant in the 77th regiment, which was one of four regiments raised at that time for service in India. The appointment was obtained through the influence of general Allen Maclean, and was conditional on his raising a *quota* of fifteen recruits for the regiment. This condition was the customary practice when an officer was drawn from the half-pay list and placed on full pay. Macquarie endeavoured to raise the recruits in the Highlands and amongst the Macquaries of Ulva, but failed utterly, notwithstanding the influence and exertions of his relative, the old chief or Laird of Macquarie. He thereupon travelled on foot and by ferry from Oskamull to Greenoch, a distance of nearly one hundred miles. Thence he proceeded to Glasgow and Edinburgh, where he was successful in raising the required *quota*. An interesting side-light is thrown on the customs of the time by Macquarie's statement,* relating to the servant he enlisted for himself, that he "dresses hair remarkably well, waits table, and plays very well upon the Fiddle."

Macquarie, with his recruits, joined the 77th regiment under colonel Marsh at Dover; his commission as lieutenant had been gazetted on the 25th of December, 1787. On the 28th of March, 1788, he embarked on the East Indiaman *Dublin*, and arrived at Bombay on the 3rd of August. The regiment remained in cantonments near Bombay until the 24th of November, 1790, and during this period (on the 9th of November, 1788) Macquarie was promoted to the rank of captain-lieutenant. In December, 1790, the regiment was removed to Tellicherry, and was employed in the campaign against Tippoo Sahib. In this campaign, Macquarie saw his first active service, and was present at the siege of Cannanore in December, 1790, and at the first siege of Seringapatam in February, 1792. On the 24th of December, 1790, he was appointed regimental paymaster. After peace was concluded with Tippoo Sahib, the 77th regiment returned to Bombay in April, 1792.

* This statement is contained in one of the private journals of Governor Macquarie which are preserved in the Mitchell library at Sydney. From these journals, many of the facts in this introduction have been derived.

On the 2nd of August, 1793, Macquarie received a staff appointment, under Sir Robert Abercromby, as major of brigade of the troops serving on the coast of Malabar. By this appointment, his pay was increased sufficiently to enable him to wed, and on the 8th of September, 1793, he was married at Bombay to Miss Jane Jarvis, a daughter of Thomas Jarvis, formerly chief justice of Antigua. Miss Jarvis was possessed of moderate wealth in her own right, and Macquarie, before his marriage, had paid off the debts incurred at the time of receiving his commission, and had saved sufficient money to enable him to make a small settlement on his wife.

After his marriage, Macquarie remained at Bombay as major of brigade and regimental paymaster until December, 1794. During this period, he acquired as a staff officer his first experience of the intricacies of administration, and at the same time passed the happiest days of his life as a devoted husband. In December, 1794, the 77th regiment was transferred to Calicut on the coast of Malabar, and Macquarie with his wife accompanied the regiment.

In 1795, the armies of the French Republic conquered Holland. The Stadtholder, the Prince of Orange, fled to England; and the Batavian Republic was organised in close alliance with the Republic of France. The government in India then decided to seize and hold the Dutch settlement at Cochin on behalf of the Prince of Orange. A military expedition was organised and marched from Calicut in August of that year. Macquarie was employed in this campaign, and was absent from Calicut from the 19th of August to the 30th of October. This was the first occasion on which he was parted from his wife, and the devotion of the couple is clearly shown by the entries in his diary at this period. During the months of September and October, Macquarie was present at the siege of the Dutch fort at Cochin.

In November, 1795, Macquarie and his wife returned to Bombay. Mrs. Macquarie was ailing, and had developed symptoms of consumption. Shortly after their return, an expeditionary force was formed at Bengal for the seizure of the Dutch settlements in Ceylon, and on the 3rd of January, 1796, Macquarie sailed for Ceylon, leaving his sick wife in the care of her sister and friends. On the 5th of February, 1796, a landing was effected at Negombo.

twenty-four miles north of the capital, and eleven days later the Dutch governor at Colombo capitulated. On the following day (17th February), Macquarie was sent in command of a detachment to take possession of the town and fort at Point de Galle. The Dutch garrison at Galle capitulated on the 23rd of February, and Macquarie became commandant of the town. For these services he was very highly complimented. In the meantime, he had received grave reports as to the state of his wife's health, and on the 19th of March he resigned his command at Galle to return to Bombay.

After his return to Bombay, Macquarie was informed that his wife's state of health was critical owing to the development of tuberculosis of the lungs. He was advised to take her for a sea voyage, and on the 18th of May, 1796, the devoted couple sailed on a voyage to China. The voyage did not have the desired effect of restoring her health, and Mrs. Macquarie died at Macao in China on the 15th of July, at the early age of twenty-three years and a half. Her death was a severe blow to Macquarie, and he gave many evidences of his devotion. He removed the body to Bombay, where burial took place on the 10th of January, 1797. He was a frequent visitor to her tomb during his subsequent periods of residence at Bombay, even after he had become engaged to his second wife. For four years and two months he continuously wore crêpe on his uniform, and during the same period maintained their house at Bombay, although generally unoccupied. His fondness for lengthy inscriptions, afterwards abundantly illustrated on the public buildings of New South Wales, was shown in the epitaph which he caused to be inscribed on the monument erected over his wife's grave.

By the death of his wife, Macquarie inherited the sum of six thousand pounds. A few years later, he expended this money in the part purchase of a portion of the Lochbuy estate in Mull, for which he paid £10,060. In memory of his wife, he named this land Jarvisfield. On his visit to Scotland during the year 1804, he formed plans for the erection of a country mansion, and the development of this estate by draining swamps and the erection of a village for crofters.

A commission bearing date 3rd of May, 1796, was granted to Macquarie as major by brevet in the 86th regiment. His military

advancement continued, and he held several important posts. During the year 1797, he was in command of the first division of the right wing of the army in the campaign against Pyche Rajah. On the 19th of May in the same year, he was appointed to the staff of general James Stuart as major of brigade, and held this post until the year 1799. During this period, he was present at the battle of Sedaseer on the 6th of March, 1798, when Tippoo Sahib's army was defeated, and at the storming of Seringapatam on the 4th of May following, when Tippoo was killed. On the 4th of December, 1799, he resumed his former appointments as major of brigade and paymaster at Bombay. During April and May, 1800, he was a member of the suite, when governor Duncan visited Surat to form a constitution and government. On the 5th of May, he was offered and accepted the confidential position of military secretary on the staff of governor Duncan, which post he held until his departure for Egypt.

At the beginning of the year 1801, an expeditionary force, under the command of general (afterwards Sir) David Baird, was formed in India to proceed to Egypt, to assist in the expulsion of the French. On the 1st of April, Macquarie was appointed deputy adjutant-general on Baird's staff, and five days later sailed from Bombay on the ship *William*. On the 13th of June, the disembarkation of the expedition was commenced at Cosseir. In the meantime, news had been received of the landing of the grand army under Sir Ralph Abercromby at Aboukir on the 8th of March. By the appointment of another officer as deputy adjutant-general, Macquarie had been superseded, but he remained on Baird's staff. During the march of the expedition across the desert to the river Nile, Macquarie was stationed at Cosseir and entrusted with the superintendence of disembarking and forwarding stores. This work was completed, and on the 27th of July he crossed the desert to Kenné on the Nile, where he embarked and sailed down the river. After stopping a few days at Cairo, he arrived at Rosetta on the 30th of August, the day on which the French garrison at Alexandria had agreed to surrender. On the 2nd of September, he was present at the formal capitulation. On the 7th of November, Macquarie's abilities were recognised by his appointment as deputy adjutant-general on the staff of the Earl of Cavan in command of all the armies in Egypt. In consequence of this appointment, a commission as lieutenant-colonel, bearing the

same date, was granted to Macquarie two years later (17th November, 1803). He continued on staff duty until the 12th of May, 1802, when he quitted headquarters at Alexandria and embarked at Suez for Bombay twelve days later, with the Indian expeditionary force.

Whilst in Egypt he learnt that his commission to an effective majority in the 86th regiment had been gazetted on the 15th January, 1801, and on his return to Bombay on the 2nd of July, 1802, he assumed the command of that regiment. He was also re-appointed military secretary on the staff of his friend and patron, governor Duncan. His sojourn in India was short, and on the 15th of November he resigned the command of his regiment in order to visit England. On the 5th of January, 1803, he resigned also his appointment as military secretary, and on the following day sailed for England on the East Indiaman *Sir Edward Hughes*.

During this first period of service in the Indian army, Macquarie had risen from the rank of senior lieutenant in the 77th regiment to that of major and commanding officer in the 86th. He had held several important staff appointments, and had become fully conversant with the details of the administration of government in India. He had arrived in the empire as a subaltern, indebted to his uncle for money expended in obtaining his outfit and commission; on the eve of his departure, he estimated that he was worth £14,000 in lands and money, apart from the legacy of £6,000 bequeathed to him by his wife.

Macquarie landed at Brighton in England on the 7th of May, 1803. He carried despatches from governor Duncan at Bombay, in which he was warmly commended for his services and knowledge of Indian affairs. He was well received at the war office, and by the board of control and the directors of the East India company. He was presented at Court "on his return from India," and was invited to dine with the board of directors of the company, a somewhat unusual honour.

Macquarie was not long in idleness in London. War had been declared with France, and on the 11th of July he was offered, by direction of Lord Hobart, an appointment as one of three officers on a military mission to Portugal to inquire into and report on the condition of the army of that country. In spite of strong pressure

to induce him to accept, Macquarie declined the offer on account of his ignorance of the Portuguese language. Eleven days later he was appointed to the headquarters staff as assistant adjutant-general for the district of London, under the command of the Earl of Harrington.

Macquarie retained his staff appointment in London until April, 1805. During this period he became a typical courtier. He was frequently in attendance on the Earl of Harrington at reviews and inspections. He attended courts and levees, and indulged in the usual social routine of a staff officer in London. He was commanded to dine with the Prince of Wales, H.R.H. the Duke of Clarence, and other members of the royal family, and in January, 1805, his appointment as an aide-de-camp to the King was under consideration. He was elected a member of several exclusive associations, and it is clear that his career was assured when the opportunity occurred.

In June, 1804, he obtained two months' leave of absence in order to visit his aged mother at Oskamull, whom he had not seen for seventeen years. During his visit to Scotland, he met his future wife, and on the 26th of March, 1805, shortly before leaving England, he became engaged to Elizabeth Henrietta Campbell, the youngest daughter of his second cousin, John Campbell, of Airds. At the same time, it was arranged that the marriage should not take place until after Macquarie's return to England.

In March, 1805, Macquarie was ordered to return to India to take command of the 86th regiment, which was without a field officer. On the 25th of April, he embarked at Portsmouth for Bombay, where he arrived on the 11th of August. He assumed command of the regiment, and his old friend, governor Duncan, again appointed him military secretary whilst he was stationed at Bombay. On the 1st of June, 1805, his appointment as lieutenant-colonel of the 73rd regiment appeared in the *London Gazette*.

Towards the end of the year 1805, a campaign against Holkar was commenced, and for the last time Macquarie was engaged on field service. In December, he took command of the frontier station at Dohud, where he remained until it was evacuated on the 22nd of January, 1806. Four weeks later he returned to Bombay and resumed his duties as military secretary to the governor. Governor Duncan had decided to leave India at the

beginning of the year 1808, and Macquarie had agreed to travel to England with him; the latter's anxiety, however, to return to his fiancée induced him to obtain a release from his engagement, and on the 19th of March, 1807, he left Bombay for Bussorah to travel by overland route to England. From Bussorah he journeyed by water to Bagdad, by caravan to the Caspian sea, across Russia, by boat to Yarmouth, and arrived in London on the 17th of October, 1807.

After his return to England, Macquarie was married to his second wife, Miss Campbell, and he took command of the 73rd regiment, which was quartered in Scotland.

In the year 1808, the Peninsula War was commenced, and public attention was concentrated on the war and the struggle against Napoleon in other parts of Europe. In the month of September, the news of the usurpation of the government in New South Wales and the arrest of Governor Bligh was received in London. The report at first caused scanty comment; but in a few weeks Viscount Castlereagh decided to appoint a successor to Governor Bligh, and to send a regiment to the colony to relieve the New South Wales Corps. In December, the appointment as governor was offered to and accepted by brigadier-general Nightingall, who had recently returned from service in the opening campaign of the Peninsula War. About the same time, choice was made of the 73rd regiment under the command of Macquarie as the proposed relief for the New South Wales Corps.

Preparations for their departure were pushed forward by both Nightingall and Macquarie. Nightingall busied himself in details of administration, and in March, 1809, selected Ellis Bent as the new judge-advocate for the colony. In the same month, Macquarie was superintending the arrangements for the embarkation of his regiment on the *Hindustan*, man-of-war, and the *Dromedary*, naval store-ship. In the midst of the preparations, Nightingall was taken ill, and about the middle of April it was realised that it would be impossible for him to undertake the government. A new governor was required, and at the end of the month Viscount Castlereagh had given the appointment to Lachlan Macquarie. His formal commission and instructions as captain-general and governor-in-chief were dated the 8th and 9th of May, 1809.

It is evident that the appointment of Lachlan Macquarie (then lieutenant-colonel) as governor of New South Wales was entirely due to the accidents of life. Nightingall and the 73rd regiment had been chosen to re-establish an authorised government in the colony. Macquarie as commanding officer of the regiment was practically second in command to Nightingall. The embarkation of the regiment was intended to take place within a few days, when it was announced that Nightingall's health prohibited his assuming his duties as governor. Little time was available to select a substitute, and it was not unnatural that the choice fell on Lachlan Macquarie, the virtual second in command. Macquarie's commission was dated the day after the regiment had actually embarked at Yarmouth. At the same time it must be remembered that Macquarie had influence in high quarters; he had considerable experience of administrative duties in India; his knowledge of Indian affairs had been commended by governor Duncan, of Bombay; his extended staff service had developed habits of tact, courtesy and caution in his dealings with his fellow-men; he was possessed of independent means, and was unlikely to make use of his position for his pecuniary advancement; and in minor posts, at Galle and Kohud, he had been commended for his administrative capacity.

The appointment of Macquarie no doubt appeared an excellent one according to opinions prevalent at the time, for the English government had not realised that something more was required in the governor of the colony than the mere qualifications of a service administrator, and that a good naval or military officer had many shortcomings when given arbitrary power over a civil community.

Macquarie embarked on the *Dromedary*, and in company with the *Hindostan* sailed from St. Helens on the 22nd of May, 1809. After a tedious voyage, the two ships entered Port Jackson on the 28th of December following, but owing to adverse winds it was two days later before anchor was cast in Sydney Cove. On the following morning, Sunday, the 31st of December, Macquarie made his official landing, and was received with due formality by lieutenant-governor Paterson and lieutenant-colonel Foveaux. His commission was read on the following day, and Macquarie assumed the administration.

Macquarie's government was commenced under the most favourable auspices. For the first time, the governor-in-chief held in his own hands the executive command of the colony and the military command of the troops. By this means the old antagonism between the executive and military powers was modified. This antagonism had been the principal factor in causing unrest and discontent in the colony since the days of Governor Phillip.

He carried with him orders for the recall of the New South Wales Corps. This regiment and its partisans had become the dominant factor in the colony, and its influence had been usually detrimental to the general interests. Its officers constituted the majority in the criminal courts. All ranks had been permitted to indulge in trade, and many of its officers had acquired considerable wealth by traffic in land and spirits. During two periods, 1793-1795 and 1808-1809, its officers had held the executive power, and had exercised it almost entirely in the personal interests of themselves and their partisans. The mere fact of being the dominant party during a term of nearly twenty years had given the leaders of the regiment their enormous influence. By the recall of the regiment, this power was broken.

John Macarthur had sailed for England in the *Admiral Gambier*. He had been the most turbulent individual opponent of the executive power. His adverse influence was recognised in England, and his return to the colony was prohibited by the secretary of state until September, 1817.

The English government realised that a change in the form of the administration was necessary. The system based on the fundamental principles of a military occupation was no longer tenable, and it was necessary to formulate a new constitution, giving extended powers and rights to the civil community. Macquarie carried instructions to examine and report on the necessity for a re-constitution of the law courts. Further, the English government was ready to commence reforms and acted promptly on the report of the select committee of the House of Commons and on Macquarie's reports in many instances.

The small settlers, the emancipists, and the expirees were beginning to assert their rights, and the removal of the dominance of the military enabled Macquarie to do some justice to this class.

Under these circumstances, Macquarie commenced his administration. He was energetic, and did not spare himself in his desire to obtain a personal knowledge of the country, as is shown by his two visits to Tasmania and his various tours of inspection in New South Wales. He was far-seeing in so far as he recognised the future possibilities of the colony. His administration was vigorous, but was marred by an ill-regulated judgment. He created the first Australian "boom" by the lavish expenditure of public money, which was followed by the inevitable reaction after his departure.

Macquarie's far-sighted policy had two main objects—the material development of the country, and the reinstatement of the emancipists and expirees to a position in the civil life of the colony. But in the pursuit of both these objects, he showed the want of a well-balanced judgment.

He developed the country by encouraging exploration, by improving the means of communication, and by the laying out of towns. His encouragement of exploration has had far-reaching effects. He sent G. W. Evans and John Oxley on expeditions, which opened up the western watershed of New South Wales; but the credit due to him for these results was diminished by his extraordinary neglect in making due acknowledgment to G. Blaxland, W. Lawson, and W. C. Wentworth for their strenuous exertions in a private capacity in discovering the practicable route across the Blue Mountains. The improvement of the means of communication was a much-needed labour, which had been greatly neglected by his predecessors. Macquarie constructed roads in all the settled districts, and made the western districts accessible, soon after they were discovered, by making a road across the mountains. These roads proved an incalculable boon to the colonists. He selected sites for towns and laid them out according to well-considered plans, but in the development of these towns his judgment failed him. It was impossible to foresee the requirements of any town, and the erection of large and substantial buildings, before the necessity for such buildings was evident, was a distinct error of judgment. Commissioner J. T. Bigge, in his report to the House of Commons on the state of New South Wales, stated, "It has been his (Macquarie's) misfortune to mistake the improvement and embellishment of the towns for proofs of the solid prosperity

of the colonists, and to forget that the labour, by which these objects have been procured, was a source of heavy expense to the British Treasury, and that other means of employment might have been tried and resorted to, the effect of which would have been to regulate in a cheaper and less ostentatious form the progress of colonization and of punishment." Macquarie erected more than two hundred buildings for public purposes in the colony, many of which bore the inscription "L. Macquarie, Esq., Governor." This inscription was generally so conspicuous that it seemed to imply a personal vanity and a desire on the part of the governor to perpetuate his name. Many of the buildings were of doubtful utility, and were built in anticipation of the expected growth of a town, which in several cases did not grow. It is certain that Macquarie wasted a large amount of convict labour on these buildings, instead of employing it in the formation of agricultural settlements in various parts of the colony, which would have conferred a permanent and lasting benefit. In fact, Macquarie devoted his attentions chiefly to the material and visible improvement of the colony,* and practically left the development of its primary industries and the pioneering experimental work to individuals undirected by the fostering care of government.

Prior to Macquarie's arrival, the dominance of the military party had been complete, and this party had made every endeavour to prevent the intrusion of the class of emancipists and ex-pirees into the respectable walks of life. With the downfall of the military party, this class had asserted their claims, and Macquarie was far too just to refuse to restore to their former rank in society those who had been convicted of trivial offences, and whose subsequent good conduct had been unquestionable. Macquarie quickly realised the justice of the claims of the emancipists and ex-pirees, and commenced to forward their interests with all his powers. The adoption of this policy was approved by Earl Bathurst† and by the select committee of the House of Commons. Macquarie, having decided on the policy, made serious errors in giving effect to it. In an arbitrary manner, he endeavoured to force the society of certain emancipists, whom he had selected for special favour, on persons who were resentful of the intrusion.

* Governor Macquarie formed only two penal agricultural settlements, one at Emu Plains and one at Port Macquarie.

† See page 134.

He made four appointments of ex-convicts to the magistracy. He endeavoured to force the judge-advocate and judge to grant permission to ex-convicts to practise as attorneys before the governor's and supreme courts. Both of these administrative acts met with the disapproval of the secretary of state. He attempted to introduce to general society several ex-convicts, whom he had selected for preferment, but he failed entirely in this object. The general result of Macquarie's policy with regard to the emancipists and ex-convicts was to widen the breach between them and the inhabitants who had arrived free in the colony.*

Macquarie's character was in many ways contradictory. He was honest and straightforward in all his administrative acts, yet on two occasions at least he neglected to make conscientious reports to the secretary of state, viz., when the crossing of the Blue Mountains was successfully accomplished by G. Blaxland, W. Lawson, and W. C. Wentworth, and when he had been compelled to grant compensation to the contractors erecting the general hospital for breaches of contract committed by himself.† He was courteous and politic, yet he was intolerant of opposition. He was punctilious in his own conduct, demanding similar conduct in others, and resenting keenly any actual or imaginary slight, such as the neglect of the judge-advocate to stand on the governor's entry into church. He was pompous, ambitious, and fond of ostentation and display. He was a man of great decision of character and of good understanding. But in action his judgment was ill-balanced, and he was inclined to take hasty action and to push matters to extremes. He was strictly honourable, and no imputations of self-interested motives were alleged against his administration, such as had been made against his immediate predecessors. He was a good husband, and a God-fearing man, and the motto of his family, "*Turris fortis mihi deus*," was typical of the motives which actuated his life and administration.

During his government of the colony, he received military promotion. On the 5th of July, 1810, he was made colonel, on the 21st of February, 1811, brigadier-general, and on the 4th of June, 1813, major-general.

It was not unnatural that the vigorous administration of Governor Macquarie caused considerable opposition. Representations adverse to his government were made to the secretary of

* See introduction to volume IX.

† See note 66.

state. At first these reports had little effect, but they increased in virulence and force. During the year 1817, Earl Bathurst criticised severely the administration of the colony in four despatches to the governor. After these comments were received, Macquarie tendered his resignation in a despatch dated 1st December, 1817, but no immediate action was taken. On the 27th of December, 1818, the Honourable H. Grey Bennet, M.P., wrote a letter which was published in pamphlet form. In this letter, Macquarie's conduct was criticised and condemned. At length, the English government decided to take action, and John Thomas Bigge was appointed a commissioner, and received instructions, dated 6th January, 1819, to inquire into the general state of the colony. But before Bigge had presented his report on the 6th of May, 1822, Macquarie had been recalled, and major-general Sir Thomas Brisbane, K.C.B., had arrived in the colony, and superseded Macquarie in the government on the 1st of December, 1821. Macquarie was loath to leave the scenes where he had ruled as a virtual dictator for eleven years and eleven months. For several weeks, he made a progress through the settled districts, and received almost universal expressions of regret for his approaching departure. At the instance of D'Arcy Wentworth, the principal surgeon, and John Piper, the naval officer, he was presented with a gold cup of the value of one hundred and fifty guineas, subscribed by the colonists. He sailed from the colony in February, 1822, and two years after his arrival in London he died at Duke-street, St. James, on the 1st of July, 1824. He was buried in a mausoleum on the island of Mull. He had one son, who died without issue.

Notes on Governor Macquarie's administration will be found in the introductions to volumes IX and X.

FREDK. WATSON.

June, 1916.

DESPATCHES.



HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per transport Wanstead; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir,

Downing Street, 3rd July, 1813.

1813.
3 July.

I have Lord Bathurst's directions to transmit to you a *Gazette* Extraordinary, Published this day, containing an Account of a Glorious and decisive Victory obtained over the French Armies in Spain by the Combined Forces under the Command of General the Marquis of Wellington upon the 21st Ultimo near Vittoria.

Victory over
French at
Vittoria.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 6 of 1813," per whaler Phoenix.)

My Lord,

Sydney, New South Wales, 31 July, 1813.

31 July.

An Occurrence which has lately taken place in this Garrison lays me under the necessity of making a representation of it to your Lordship, and founding thereon some requests which I trust will appear to Your Lordship equally necessary to be complied with, as they do to me.

Previous to entering on the immediate Subject of this Communication, I am much distressed in being obliged to represent to Your Lordship that gross irregularity of behaviour and an alarming degree of Licentiousness have for a length of time past, but too strongly, marked the general Conduct of the Officers and Privates of the 1st Battalion of the 73rd Regiment, which relieved the 102nd Regt. on my assuming the Government of this Country. In laying this general Charge, I feel however

Misconduct of
the military.

1813.
31 July.

much gratified in exempting from it Some of the Officers, in whose honor and integrity I repose the fullest Confidence, and I am alike bound to add, that, were a better example held forth than is at present, the Privates would, as a body, be as correct as those of other Regiments.

Insubordination
of officers.

Unfortunately however, this is not the case, but, on the Contrary, several of those, whose Military rank and duty alike require them to restrain Acts of insubordination and resistance to the Civil Authority, are the foremost in trampling down all Order, and in exhibiting Scenes of disgraceful riot and confusion to the dread and terror of the peaceful Inhabitants of this place.

Murder of
Holness
by military
officers.

Having premised so much, I am now to acquaint Your Lordship, that at an early hour of the night of the 30th Ult. a very peaceable and unoffending man in the lower ranks of life, called William Holness, was murdered in the Streets of Sydney by Lieutenants Macnaughton and Connor of the 73 Regt. and with Circumstances of a most aggravating nature in the Case, language held, and wanton Cruelty exercised by the Perpetrators.

In consequence of the Inquest held the next morning on the body of the deceased, and the strong unequivocal evidence then given both as to the facts and the Perpetrators, the Coroner committed Lieutenants Macnaughton and Connor to Gaol for trial, and a Criminal Court was ordered by me to take cognizance of the Affair on the 16th Instant.

Trial of
McNaughton
and Connor by
the criminal
court.

The Prisoners were accordingly brought to trial on that day before a regularly Constituted Court, consisting of the Judge Advocate, One field Officer, Three Captains and Two Subalterns of the 73rd Regt. and Royal Veteran Company. The Evidences on the part of the prosecution were principally those who had given testimony at the Inquest, and their testimonies were Clear and distinct to the same facts and circumstances as on the former occasion, and had not their evidence been in some degree shaken by Counter evidence on the Defence no doubt could have possibly existed of the Conviction of the Prisoners. Evidences were however procured, who so far varied from those on the part of the prosecution, that the Court finally returned a Verdict of Manslaughter, sentencing the prisoners to a fine of One Shilling each, and to Six Months imprisonment in the Gaol at Parramatta.

Evidence for
the defence.

It is painful to observe that very material Contradictions took place in the evidence on behalf of the Prisoners; and other circumstances of strong suspicion arose against the Credibility of those Witnesses, whilst, on the other hand, the evidence of

the Widow of the deceased and of the other Witnesses for the prosecution were plain, clear and Satisfactory. The Circumstances of this Case are of so disgraceful a Nature that I feel I should be deficient in my Duty to My Sovereign and the Public, were I not to give them the fullest publicity, accompanied by the strongest expression of My Sentiments of Reprobation.

1813.
31 July.

Under these Considerations, I published on the 17th Inst., being the day after the trial, "Government and General After Orders, Military Department," principally addressed to the Military under my Command, but at the same time keeping in view what I felt due to the Public at large, in the expression of My Sentiments on this unhappy occasion. For Your Lordship's perusal and Consideration I have now the honor to transmit You herewith, attested Copies of the proceedings of the Criminal Court, and of the "After Orders" published by me in Consequence of the lenient Verdict of that Court.

Macquarie's
criticism of
verdict.

This Sentence being in direct variance with what was generally expected, and particularly by several of those who had been eye witnesses of the disgraceful scene, but were not called on in the prosecution, owing to the full and clear case made out by those who were brought forward, excited a Public sensation of strong surprize and much indignation. Neither could the popular Sentiment be suppressed or restrained that "*little Justice could be expected towards the Poor, whilst the Court consists of brother Officers to the Prisoners at the Bar.*" In fact, My Lord, the present Construction of Our Criminal Court is such as must necessarily induce a popular, if not a just, feeling against its decisions; especially when as in the present Case, Some of the Members, who constitute that Court, were the intimate friends of the Prisoners. And I apprehend that this Circumstance will tend to convince all unprejudiced persons that *such a Court* is ill constructed either for the acquiring the Character of Impartiality or of strictly administering Justice.

Popular feeling
against the
criminal court.

From the Case just stated to Your Lordship, and the Observations with which I have accompanied it, I now with the utmost deference solicit Your Lordship's earliest consideration of the great necessity for reforming, or rather New Modelling, our Criminal Court in such Manner as I have had the honor of suggesting to Your Lordship in My Dispatch No. 2, under date the 28th of June, or in such other, as may appear to Your Lordship's Comprehensive Mind, better calculated for effecting this most desirable object.

Necessity for
reforming the
criminal court.

The Observations on the Conduct of the Officers and Privates of the 73rd Regt., which this deplorable event has forced me to

1813.
31 July.

disclose (for I had fondly hoped that a stricter Discipline would have been adopted and that a returning sense of honorable duty would before this have precluded the painful necessity for such disclosure) now lead me to found the following application to your Lordship.

Removal of
73rd regiment
proposed.

That you will be pleased to recommend to His Royal Highness the Commander in Chief the expediency of directing the immediate removal of the 73rd Regt., and of supplying its place by One from Home, and I beg to suggest that no Regiment should be suffered in future to remain in this Station for more than Three Years at the utmost.

Necessity for
periodical relief
of military.

My reason for mentioning the period of three Years is for the purpose of guarding, as far as practicable, against the Military forming Matrimonial, or less proper Connexions with the Women of the Country, whereby they lose sight of their Military duty and become in a great degree identified with the lowest Class of the Inhabitants. I have much reason to regret many unfortunate Consequences which have resulted from such Connexions and attachments since the arrival of the 73rd Regt., and I am therefore the more anxious to guard against the recurrence of them, for the future, by suggesting such measures as appear fittest to produce that effect.

Exchanges by
officers to be
prohibited.

In relieving the 73rd Regt., I beg to recommend that none of the Officers of that Corps shall be permitted to make exchanges into the Regiment destined for its relief, which I am well convinced will be attempted by several of them, particularly by those whose Conduct has least in it to recommend them to any indulgence whatever, whilst on the other hand their being suffered to remain will effectually tend to prolong the evil, they have so much fostered and been the authors of, and which it is so desirable to get fully suppressed.

Refusal of
land grants to
the military.

A Custom had long prevailed here, previous to my arrival, of making large Grants of Land to the Military Officers, their wives, and Children:—but this has ever appeared to me so subversive of Military discipline, and of that distinction which should subsist between the avocations of the Military and the Civil Inhabitants, that I have uniformly resisted the Countenance of it, except in the three following Cases. 1st to Lieutenant Colonel O'Connell, I made a Grant of Land in His Civil Capacity of Lieutenant Governor, on his marrying the daughter of Governor Bligh*; 2nd, to Mrs. Geils, the wife of Major Geils of the 73rd Regt., on Account of their having a numerous family; And 3rd to Mrs. Birch, the wife of Paymaster Birch of the 73rd Regt., also I made a Grant at the period of His being

Land grants to
O'Connell,
Mrs. Geils and
Mrs. Birch.

insane, and as a provision for his Young family, He having purchased a large Stock of horned Cattle while he was labouring under that Mental derangement.

1813.
31 July.

These are the only deviations I have made from the Rule I laid down on My first arrival here for My Own Conduct in this particular point of My administration of this Government. It being, however, an ungracious Office in a Governor altogether to forego the practice, *from His own sentiment* of its inexpediency or impropriety, I would with much deference suggest that *No Governor* should be authorized on any occasion, in future, to give a Grant of Land to any Military or Naval Officer doing duty on this Station, or to their Wives or Children.

Definite
instructions
desired for
the governor.

If this suggestion should meet Your Lordship's concurrence and approbation I have only to add, that I would solicit Your Lordship to furnish me with written Instructions to that effect.

In drawing this letter to a conclusion, I beg to repeat to Your Lordship that I feel most truly distressed in making the present representation of the 73rd Regt., which, from my personal connexion with it, I had formed a strong partiality for, and thence naturally became induced rather to pass over, unnoticed, some occasional deviations (when they were not of a flagrant nature) than to draw them thus into public View. My Motives, here avowed, will I trust meet Your Lordship's Approbation, and fully justify me, as well in the one Case as in the other; and I rely on Your Lordship for the adoption of such Measures as may be a Check in future to other Regiments falling into the like un-military and disgraceful line of Conduct.

Macquarie's
regrets for
military
misconduct.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL AFTER ORDERS.

Military Department.

Head Quarters, Sydney, Saturday, 17th July, 1813.

It is with the deepest and most heartfelt Regret, That the GOVERNOR and COMMANDER in CHIEF demands the most serious Attention of the TROOPS under his Command, whilst he conveys to them his Sentiments on the late deplorable Event of the loss of a Fellow Creature to Society, in the Death of WILLIAM HOLNESS, by the intemperate and disgraceful Conduct of Lieutenants Archibald M'Naughton, and Philip Connor, of the 1st Battalion of the 73rd Regiment.

Public censure
of McNaughton
and Connor.

In lamenting that Men, who ought to be the prompt and steady Supporters of the Laws of their Country, should thus become the Violators of them and the Terror of that Society which their

1813.
31 July.

Public censure
of McNaughton
and Connor.

duty to their SOVEREIGN imperiously demands of them to uphold, He feels it the more incumbent on him to, uninfluenced by Partiality or Prejudice, and solely actuated by that paramount Sense of Public Duty, which no Consideration of Rank or Profession in the Delinquents shall ever induce him to swerve from, to express his most decided Reprobation of all the Circumstances leading to the melancholy Catastrophe now under Consideration, and which must necessarily remain on the Records of the Criminal Court to the lasting Disgrace of the Perpetrators of that foul Deed.

But whilst the Clemency of the Court, supported by the general Tendency of the Laws to the Side of Mercy, has pronounced the lenient Sentence of MANSLAUGHTER, and adjudged Six Months Imprisonment with a Fine of One Shilling each to the Perpetrators of this Outrage, it rests with the GOVERNOR and COMMANDER in CHIEF to mark, in the strongest Terms, his Indignation at an Occurrence so disgraceful to the Military Character and he trusts, with Confidence, that the high Sense of Honor which so eminently characterizes the British Army in every Quarter of the World, and which the 73rd Regiment in particular has possessed a most flattering Portion of, will induce them to look to this lamentable Event as a Beacon set up to guard them against the fatal Consequences attendant on a life of Drunkenness, Debauchery, and Riot, which inevitably tends to the Debasement and Degradation of the upright and manly Character of a British Soldier, and necessarily induces the Contempt and Indignation of all brave and honorable Men.

Military
ordered to wear
uniform
constantly.

It having been proved on the Trial of Lieutenants M'Naughton and Connor, that they were in Disguise, and dressed in Coloured Clothes, on the melancholy and disgraceful Occasion alluded to; from which Circumstance alone, it is reasonable to conclude, they went out from their Quarters with no good Design; the COMMANDER of the FORCES positively orders and directs, that no Officer or Soldier (excepting such Soldiers as are Servants of Officers), shall ever appear in future, in any Part of the Town or Garrison of Sydney, in any other Dress than their Regimental Uniforms.

Report to be
made to the
commander-in-
chief.

However painful it may be to his own Feelings so to do, BRIGADIER GENERAL MACQUARIE considers it to be his indispensable Duty to report to HIS ROYAL HIGHNESS the COMMANDER in CHIEF, the Conduct of Lieutenants M'Naughton and Connor, on the Occasion now adverted to, and to submit to the Consideration of HIS ROYAL HIGHNESS the Propriety of allowing Persons, who have so far disgraced the Military Character, to remain any longer in His Majesty's Service.

The COMMANDER of the FORCES directs, that the foregoing General Orders shall be read at the Head of the 73rd Regiment, under Arms, at the two next ensuing Parades of that Corps.

LACHLAN MACQUARIE.

1813.
31 July.

Orders to be
read twice
on parade.

By Command of His Excellency

The Governor and Commander of the Forces.

H. C. ANTILL, Major of Brigade.

[Enclosure No. 2.]

PROCEEDINGS AT THE TRIAL OF ARCHIBALD McNAUGHTON AND
PHILIP CONNOR.

New South Wales,

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

At a Court of Criminal Jurisdiction, holden at Sydney in the Territory aforesaid, on this Sixteenth Day of July in the Fifty-third year of the Reign of Our Sovereign Lord George the third, by the Grace of God of the united Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the Year of Our Lord One Thousand Eight Hundred and thirteen, for the Trial of all and all manner of Felonies, Misdemeanors, and of other Offences, Committed within the said Territory or its Dependencies or within any part thereof. In pursuance of a Precept under the hand and Seal of Lachlan Macquarie, Esquire, Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies, bearing Date the fourteenth day of July in the year of Our Lord One Thousand, Eight Hundred and thirteen.

Present:—The Judge Advocate; Major George Alexander Gordon, 73rd Regiment; Captain John Brabyn, R.V. Company; Captain Anthony Coane, 73rd Regiment; Captain John Pike, 73rd Regiment; Lieutenant William Lawson, R.V. Company; Lieutenant Andrew Greenshields, 73d Regiment; The Members nominated and Appointed by the said Precept to Compose the said Court.

The said Precept being first read and the Judge Advocate and Members being duly sworn,

The Court proceeded to the ordinary business.

ARCHIBALD McNAUGHTON late of Sydney in the Territory of New South Wales, Gentleman, and

PHILIP CONNOR, late of the same place, Gentleman, being brought Prisoners to the Bar of this Court by the Provost Marshal of this Territory are charged by an Information in writing, exhibited by the Judge Advocate, with the Wilful Murder of one William Holness at Sydney aforesaid on the Thirteenth Day of June last past, in manner and form as is therein specified: which said Information follows in these words, that is to say,

“In the Fifty third year of the Reign of Our Sovereign Lord George the third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

“New South Wales } Be it Remembered that Ellis Bent, Esquire,
To Wit } Judge Advocate of Our Sovereign Lord the
and its Dependencies, } King for the Territory of New South Wales
Lord the King in this behalf, in his proper Person, Cometh here

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

into the Court of Criminal Jurisdiction, holden in Sydney in the said Territory for the Trial of all and all manner of Felonies, Misdemeanors, and of other Offences Committed within the said Territory or its Dependencies or within any part thereof, on Friday the Sixteenth day of July in the Fifty third year of the Reign aforesaid, and for our said Sovereign Lord the King, Giveth the Court here to understand and be informed, That Archibald McNaughton, late of Sydney in the Territory aforesaid, Gentleman, and Philip Connor, late of the same place Gentleman, not having the fear of God before their Eyes, but being Moved and Seduced by the instigation of the Devil, on the Thirteenth Day of June in the Fifty third year of the Reign of our Sovereign Lord George the Third, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord One Thousand Eight Hundred and thirteen, with force and Arms, to Wit, at Sydney aforesaid in the Territory aforesaid, in and upon William Holness in the peace of God and of Our Lord the King then and there being feloniously, Wilfully and of their Malice aforethought did make an Assault; and that they the said Archibald McNaughton, and Philip Connor, with Certain large Sticks of no value, which they the said Archibald McNaughton and Philip Connor in their right hands Severally had and held, him the said William Holness, then and there feloniously Wilfully and of their malice aforethought did strike and beat; and that the said Archibald McNaughton and Philip Connor with both the hands and feet of them, the said Archibald McNaughton and Philip Connor, him the said William Holness, then and there feloniously Wilfully and of their Malice aforethought did Strike, beat and kick, and to and against the Ground did Cast and throw; giving to the Said William Holness as well by such striking and beating of him as aforesaid with the Sticks aforesaid, as also by striking beating and kicking him the said William Holness and Casting him to and against the Ground, with both the hands and feet of them the said Archibald McNaughton and Philip Connor in manner aforesaid Several mortal bruises in and upon the Head, Stomach, Belly, back, and Sides of him, the said William Holness, of which said Several mortal bruises he the said William Holness then and there instantly died. And so that the said Archibald McNaughton and Philip Connor him the said William Holness in manner and form aforesaid feloniously Wilfully and of their malice aforethought did kill and murder against the peace of Our Said Lord the King, his Crown and Dignity."

The said Information, being audibly read by the Clerk of the Court in open Court, and in the presence of the Prisoners, and the Prisoners being Severally asked whether they are Guilty or not Guilty, do severally say that they are Not Guilty, and for Trial put themselves upon God and this Court, and the said Judge Advocate on the part of Our Sovereign Lord the King doth the like.

The Witnesses on each Side are ordered to withdraw and remain in attendance on the outside of the Court.

At the request of the Prisoners, the Court allows Mr. George Crossley to assist the Prisoners in Cross-examining Such Witnesses as may be called on behalf of the Prosecution, in examining the Witnesses Called by themselves, and in taking Such legal Objections as may arise in the progress of this Trial.

ANN HOLNESS, Sworn and examined on behalf of the Prosecution.
Saith,

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

I am the Widow of the deceased William Holness, the deceased lived in No. 17 Pitt Street, Sydney. He died on Wednesday Evening the 30th of June. On Wednesday Evening the 30th of June before my Husband Came home, he had just gone on a little business into the house of Michael Byrne next door but one, Elizabeth Winch was walking with John Brown on the outside of the Door—Elizabeth Winch is a young Woman whom I employ to assist me in Needlework. She lodged and boarded with me; whilst I was preparing Some work for her, she Came running in in a hurry. I asked her what was the matter. She informed me that two Officers, belonging to the 73rd Regiment apparently in liquor in disguise, had followed her and insulted her, and that they had Struck the young Man she was walking with twice with a Stick. I went to the door and heard Brown having some altercation with Somebody, I could not exactly say who it was. Elizabeth Winch came out to me to the Door, and the words she made use of were, "Mr. McNaughton, Sir, I know you, you are an Officer in disguise." When she Called him by his Name he turned away his head. I saw Mr. McNaughton myself at the Door. It was about dusk. Elizabeth Winch and Brown Came in and I shut the door to. After I had shut the door to, my Window shutter was not shut, Mr. Connor Came to the Window—I did not know his name at that time but I know it since; He looked thro' the Window—he brandished a Stick or Club, I cannot say which; after he left the Window he came to the Door, and hit very hard with a Stick and insisted upon entrance. After that the blows were repeated violently against the door, and it was as much as Me, Elizabeth Winch, and Brown could do to prevent the Door being forced in. In the mean time the deceased Came up to the Door and asked Mr. Connor and Mr. McNaughton what they wanted there. The answer he got from them was this, "I want them two Women out of the House." My Husband answered them, there's nobody in that House but my Wife and a young Woman at Needle Work with her whom she employs; The answer, that was made him by those two Gentlemen, was "I will have them"; they made use of very indecent language and said they would do so to him, and the Women in the house, if he did not let them in. After that immediately I heard a very violent blow. I immediately opened the Door, I was just going to step outside of the door, and another blow came as violent or more violent than the first. I cannot say whether the blow was intended for him or me, but the blow took a piece out of the top of the door. At this time I was close to my Husband. I saw the Prisoners at the bar—both of them—they were close by the Door. I cannot exactly say who else was there, for my object was on them. My Husband had nothing to defend himself with, he pushed them away from the Door and they repeated the blows till he fell, I mean the two Gentlemen at the bar. My husband fell betwixt the path and the road, a very little distance from his own door. I was standing close by him for he dropped at my feet. He did not speak after he fell. I exclaimed immediately, "You have murdered my Husband." After he fell the Prisoners at the bar repeated the blows. I exclaimed Murder, and Called for the Constables. Whether they dropped their Sticks or Clubs I cannot Say. but they went to Mr. Meurant's paling and began tearing of it

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

down. When I saw this I expected nothing less than to be laid a lifeless Corpse alongside of him. When I exclaimed that he was dead, Mr. McNaughton Stood at the back of me and said, "if he's dead, let him be dead and be damned." Mr. Connor made answer "What have I done," and walked away immediately. Mr. McNaughton followed him as far as Byrn's and Came back and Said he had lost his Hat: some Person gave it him, but I cannot say who. Mr. McNaughton Came and looked at my Husband, as I had his head on my knee and walked away. I was sitting in the road, as I may say, on my heel, and my husband's head on my knee. In about ten Minutes after, my Husband was taken into the house, he was not then quite dead: I did not know then, but he never spoke after he fell. I thought he was Stunned by the blow. Michael Byrne and John Brown assisted in taking him into the House. Medical assistance Came immediately. Dr. Ross, belonging to the Fortune, was the first that Came; as soon as Dr. Ross came, I put my hand to My Husband's wrist, and felt no pulse beat, I put my hand to his Heart and felt no Pulse beat, and says I he's dead. I did not see my husband strike either of the Prisoners, he had nothing to strike them with, for he never came in the inside of the House. My Husband was not a Man of a quarrelsome disposition—far from it—he would sooner put up with an insult than he would give one; I did not see him Strike the Prisoners, and I followed him very close, I cannot say wether he struck them or not before I opened the Door—he had nothing but his hands to Strike him with. I Cannot exactly say on what part of his body the Prisoners Struck the deceased, but there were several blows Struck. I did not see any person Strike the Prisoners, for after my husband fell he was my only object to look at. I did not see any person strike the Prisoners or either of them before my husband fell.

Cross-examined on behalf of the Prisoner says,

My Husband was not in a debilitated State of Health for some time previous to his Death; he was in a better state of health than he had been for some years; I have been his Wife Seventeen years, the 10th Day of next September, and I never knew him lie a Day on a Sick bed.

The Witness is allowed to withdraw.

JOEL JOSEPHS, being called and sworn on behalf of the Prosecution, Saith,

I live in Pitt Street, two Doors from the House of the deceased, on the Same Side of the Street. I was standing at the Door of my House on the 30th June at about Seven o'Clock in the Evening; I saw Elizabeth Winch standing near my Door with one Brown the Painter, I saw two Gentlemen Come up the Street; they were very much intoxicated in liquor. One of the Gentlemen mentioned his name: it was Mr. McNaughton. Mr. McNaughton Caught hold of Elizabeth Winch; she said don't take any liberties with me: She ran from my Door to Mr. Holness's door; Brown the Painter came up. When he came up he said, "Gentlemen, the Woman has no Call to you." I cannot say if there were any words betwixt Brown and the Gentlemen or not; but Mr. McNaughton Catches hold of Brown, and Brown received a blow down the neck. Brown then ran after the Girl to Holness's place; during that time Holness came from Michael Byrne's House to his own door. The Prisoners were at this time at Holness's Door. They had Sticks in their hands knocking against the Door. I cannot say whether they were

knocking hard or not. The deceased Came up and Said "Gentlemen what do you want?" The Prisoners made use of indecent expressions Concerning the Women. Mr. Holness says, "Gentlemen go about your business for there's nobody wishes to offend you here." Two or three words then passed between Mr. Holness and the Prisoner, Mr. McNaughton. Mr. Holness received a blow with a Stick across his back and the Stick broke. The deceased received this blow from the Prisoner, Mr. McNaughton. Mr. Holness's Door opened. I cannot positively say if a Stick was given him or not. To the best of my opinion I think it was a Switch he had in his hand: To the best of my opinion it was a Stick. Mr. Holness then with that bit of Stick in his hand ran into the road; he then received another blow with a Stick or a paling from Mr. McNaughton somewhere about his loins. I cannot tell whether the deceased struck Mr. McNaughton again or not; the deceased then stood against Mr. Meurant's paling; he then received a blow from the other Prisoner on the back of the neck with a Stick or paling which killed him; he fell on the ground. I went to lift up his arms, and I felt his arms drop in a Minute. The deceased lay upon the ground about a Minute and a half when his Wife Came out. She never Came out until after the Man was dead. When she Came out she lifts up her Husband's head and says, "Oh! my God! my Husband is killed." One Brown the Painter then ran out from her House. As the deceased lay on the Ground, there was a Soldier Came out from a House facing Holness's; he lay dead on the Ground: Mrs. Holness held his Head up. The Prisoner Mr. McNaughton was going to strike him again. I says to him, "Gentlemen it is no use hitting the Man for the Man is dead." I picked up one of the Gentleman's Hats, and I gave it to a Soldier, one Green. A bit of a row then took place with one Holmes. I am sure Mrs. Holness did not Come out of her house until after the Husband was dead; the door was shut: there were not three Persons there. The Door was opened and Shut again immediately about a quarter of a Minute before Holness lay dead, And nobody Came out till he had been dead about a Minute. The Prisoners were very much intoxicated in liquor, and they did not appear to know what they were about, I did not see Mr. Connor Strike the deceased more than once. I cannot positively Say whether I saw any one else Strike the Prisoners.

The Prisoners do not ask this Witness any Questions.

By the Court says, I saw Mr. Holness run from his door to the place where he fell. I cannot positively say whether he was following the Prisoners. I cannot say whether he went towards the Prisoners or not. Holness received a blow and the Stick broke before ever he got a Stick. The Stick was given out of Holness's House, I cannot say by whom. I cannot take upon Myself to Say whether the deceased held up the Stick to defend himself. When the deceased received the blow on the back of his neck, he fell with his head about a yard from the paling. It was not much above a yard from his own door where he fell.

The Witness is allowed to withdraw.

ELIZABETH WINCH, Sworn and Examined on behalf of the Prosecution, saith,

I was acquainted with the deceased William Holness. I lodged and boarded in the House of the deceased previous to his death. I was assisting his Wife by working with my Needle. Me and

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

John Brown, the Painter, were walking up and down the footpath, between 6 and 7 o'clock on a Wednesday Evening. We walked as far as Mary Donovan's: We had not been there passing two minutes, before Mr. McNaughton and Mr. Connor, the Prisoners at the bar, both Came up. They were in Coloured Cloaths. Mr. McNaughton had a Great Coat on. Mr. Connor had a Coatee on. When they Came up I went to go indoors to Mr. Holnesses, they immediately ran after me; Brown then ran between us, and Mr. Connor Struck him with a Stick. Mr. Connor then went up the Street. Mr. McNaughton stopped at Holnesses Door talking with Brown. Holness was in Michl. Byrne's at this time; he went there to Shew him a Curious Fish Skin. While Brown and Mr. McNaughton were talking I Came out of the House to the Door. I told Mr. McNaughton that I knew him, that he was an Officer in disguise. When I said that Brown Said that the Man that Struck him was an insolent Scoundrel, and he would report him to the Colonel in the morning; Mr. McNaughton said that he was no Scoundrel, that he was a Gentleman. Brown said let him be gentle or Simple he would not be offended by him nor no other Person. Mrs. Holness then Came to the Door and told me to Come in; I came in; Brown Came in at the same time too. Brown did not go out again till such time as Mrs. Holness cried out Murder. Mrs. Holness shut the Door, and I saw him go past the Door after knocking at it and look thro' the Window. Brown asked him what he wanted, He answered he wanted that Woman, and that Girl, meaning as I supposed Mrs. Holness and myself, to do so and so to, using a very indecent expression. While he was there Mr. Holness came to the Door with the Skin of a Fish in his hand, he asked Mr. Connor what he wanted there. Mr. Connor made use of the same expression to him as he did to Brown, saying that he wanted his Wife and that Girl. Before Mr. Holness Came up, the Prisoners pushed forcibly against the Door and endeavoured to force it open, and me and Brown and Mrs. Holness were inside at the Door pushing against them. Mr. Holness said it was his House and his Wife, and he had no business there. With that I heard a blow with a Stick. I did not see who gave it. The Door was opened, but Holness did not Come in, he then threw the Fish Skin out of hand into the passage; Mrs. Holness went out when she heard the blow and the Door was opened. The Door was then Shut; me and Brown and a Man of the Name of Williams were left in the house. Mrs. Holness was not left in the house; she went out when Mr. Holness was struck. I heard Mrs. Holness call out Murder and then Brown and I Came out, Mr. Holness was then lying dead. Mrs. Holness had his head on her knee, and Mr. McNaughton was standing near the deceased enquiring for his hat. I know nothing further.

Cross-Examined on behalf of the Prisoners, says,

I am very intimate with Brown, Mrs. Holness was out when the accident happened; when Holness was killed. Me and Brown were then inside. I know Mr. McNaughton by sight. I never spoke to the Gentleman before in my life.

Questioned by the Court, says,

I did not hear Mr. Holness ask for a Stick. I did not see any Person give the deceased a Stick from the house. I cannot say that the door was locked when the deceased returned from Byrne's.

It was shut and Me and Brown and Mrs. Holness were Standing against it. I cannot say that I heard any great Scuffle, no further than Mr. McNaughton and Mr. Connor were again the Door. Mrs. Holness opened the Door for the deceased when he threw in a fish-skin. I do not know the reason of the deceased for not coming in; he was then talking to Mr. Connor at the Door. Mr. Holness had not been Complaining of a pain in his Side some Days before, not as I heard.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

The Witness is allowed to withdraw.

JOHN BROWN, sworn and examined for the Prosecution says,

I live at No. 17 Pitt Street. I am a Painter and Glazier. I was acquainted with the deceased, Wm. Holness, for about two years, He was a remarkably quiet Man. On Wednesday Evening, the 30th of June, betwixt the hours of Six and Seven, I went to the house of the deceased Willm. Holness. From there I went out with Elizabeth Winch in Company. We walked up and down for the Space of about ten minutes on the pavements. We stopped at the house of Mary Donovan at her Door. I saw two Gentlemen apparently Coming from the road towards us. The Girl seeing them advanced towards her home. As she ran, one of the Gentlemen ran after her. The Gentleman that ran after her was Mr. Connor; I did not know his name at the time; I heard Dr. Ross call him by his Name; I then, to endeavour to prevent the Girl from being offended, ran between them, on which I received a blow on the left side of the neck from Mr. Connor; I took no notice of it, but went after the Girl to the Door of the deceased's house. When I got to the door, Mr. Connor Came up. I stood at the door and I asked him what he wanted; on which he said he wanted the Girl, that is the very expression he made use of; he did not make use of any indecent expression at that time. Not knowing who the Gentleman was, I told him to be gone for a Scoundrel; nobody offended him; the Wife of the deceased, William Holness, and the Girl on hearing the words, Called me in; I did not go in at the first Call; Elizabeth Winch then Came to the door and asked me to Come in; Mr. McNaughton was then talking to me; and as soon as she saw him, she said, "Mr. McNaughton I know you, you are an Officer in Disguise"; On hearing her say he was an Officer, I turned to him and said, "Mr. McNaughton I do not address myself to you," Mr. McNaughton Said the words I made use of were not prudent to be spoken to a Gentleman; I told him that if he was a Gentleman, I was a poor working Man, but that I had better manners than him, meaning Mr. Connor. I told him I Certainly should report him to his Colonel in the Morning; for I thought that I had as much liberty to walk about the Streets as any person had at that hour; I then went in with Elizabeth Winch. The Door was Shut and locked in the inside, whether by her or the Wife of the deceased I know not. Mr. Connor still kept knocking at the Door with a Stick; and endeavoured to push it open by shoving at it; He Came to the Window, the Window Shutter was open. I, Elizabeth Winch, and Mrs. Holness kept at the Door to prevent it from being burst open. I wanted to go out, Mrs. Holness and Elizabeth Winch would not let me go. The deceased Came to the Door, he tapped at the Door; and he asked the Gentlemen what they wanted there. He was out at the time. On demanding what they wanted, Mr. Connor said they wanted her out; the deceased made answer she is my Wife: the Door at this time was opened by the Wife of

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

the deceased to let them in: Mr. Connor made answer in very abusive words, I will do so and so to them and you too; the deceased replied, "I'll do so to you"; on which the deceased put his hand to the breast of Mr. Connor and pushed him from the Door: this was before any blow was Struck. Mr. Connor then Struck at him with his Stick: it was apparently a thick yellow Stick; whether the blow hit him or not I cannot say; Mr. Connor again struck at him; but the end of the Stick struck the head of the Door, which has marked the Door frame. The Deceased then went out into the Street with them, I saw no more of them then, I remained in the House, Elizabeth Winch remained in the House with; the Wife of the Deceased went out and Shut the Door after her. In the Course of a few minutes, I heard her exclaim he's murdered, he's murdered. I then ran out. Mrs. Holness was then Supporting her husband's head against her knee; close to where the deceased lay, there were Several people on the ground; Mr. McNaughton was a top of the Mob on the Ground, he got up and asked for his hat. There appeared to be about a dozen Soldiers, all of whom appeared to have Sticks. I heard them exclaim what is doing to our Officers? on hearing which I went towards the house of Mr. John Holmes; I saw Mr. Connor pull a paling from the front of Mr. Holmes's house; he struck twice with it indiscriminately, not that I could observe he was pointing at any person in particular; the Wife of the deceased was then Calling for a Surgeon; Dr. Ross, of the Fortune, I believe it was he, was in at Holmes's at the time; Dr. Ross Came and Said he was dead; Mrs. Holness, Joel Josephs and another Man Carried the deceased into his house. We laid him on the bed, I got some Water and Sprinkled his face; he had no Signs of Life whatsoever. I know nothing more. No Stick was handed from Holness's house to the deceased to my knowledge. He never entered the house. It might have been handed to him without my knowledge, for at the hesitation at the moment I might not have perceived it. I did not see the deceased strike at either of the Prisoners with a Stick; I cannot say both the Prisoners had Sticks in their hands when I first saw them; Mr. Connor had. I did not hear the deceased ask for a Stick. He might have asked for one without my hearing it.

Cross Examined on behalf of the Prisoners, says,

Sometime previous to his death, I heard the deceased complain of a pain in his left side, not frequently. He was always a hard working Man as far as ever I saw of him and a healthy Man; I had Some Conversation about this matter with Mrs. Holmes yesterday, We were a joking about it, I was Saying I would have her Subpoened; I do not recollect the answer; I did not hear her Say that it was I that beat the deceased, I did not particularly notice the people who was there.

Questioned by the Court says,

I never Struck the deceased in My Life, no further than I might in fun; but not that Night at all. I did not Strike either of the Prisoners. I was not out from the time I went in, until after the murder was done; there was no further 'fray in the Street, when the deceased Came to his Door, than by the two Gentlemen at the door. The deceased did not shove Mr. Connor with any degree of violence, he merely placed his hand to him and told him to be gone. He was not in a violent passion at the time he shoved him: the deceased was not a passionate Man. The

Window Shut was open during the whole time. I could not see what passed at the Door, by looking out at the Window, only I could hear the knocking of the Sticks at the Door.

The Witness is allowed to withdraw.

MARY DONOVAN sworn and examined on behalf of the Prosecution, says,

I live in Pitt Street at the next house but one to that of the deceased. I had known the deceased numbers of years. I cannot say to one or two; He was a very quiet Man, he would not affront any one, he would sooner have a blow than he would offer to return it. Betsy Winch was Standing at my Door on the Night he was killed, I think it was of a Friday. Brown the Man as keeps her Company stood at the other side. With that two Officers Came up, two Men Came up; Betsy Winch walked away from My Door; Brown walked between the two persons and Betsy Winch; With that I goes up to Mrs. Holness' Door. Betsy Winch Stood at the Door. Betsy Winch says to Mr. McNaughton your name is Mr. McNaughton tho' you are dressed in disguise. When she said that I walked away to my own Door, and I went in; I Came out very Shortly; I heard a Noise. I goes up towards Mrs. Holness's door. I saw Mr. McNaughton a knocking at the Door, and looked in at the Window. Mr. Connor was in the Street a walking backwards and forwards on the other Side. I Came to my house again. I went again to the Street, and I heard the Man as I live with calling for assistance and there was no one Come. Holness was Standing in the Street at the time; Mr. McNaughton was to his face: Holness had nothing in his hand; I saw Mr. McNaughton strike Holness at the front, whereabouts he hit him. I Cannot tell. Mr. Connor Came up behind him. I saw Mr. Connor strike the deceased a blow, with a Stick or paling I Cannot tell, on the back of his neck; he repeated the blow and the deceased fell and never got up again. I did not See the deceased Strike either of the Prisoners. As soon as he fell I ran to the Watch house: and I said to the Watchmen there's two Men killing Mr. Holness and for God's sake run down; When I Came back Mrs. Holness had got her Husband's head in her hand, I did not see Mrs. Holness out of her house before the deceased fell. I saw the deceased Fall. Mrs. Holness was in doors at that time, and the Door was Shut. She might be in the Street, or She might not, but I did not see her. I was in her House half an hour before, And Mrs. Holness was then making a Shirt, and told me her Husband was gone to Michael Byrne's for some beer.

Cross examined on the behalf of the Prisoners, Says,

Certainly I should have seen Mrs. Holness had she been near her husband when he fell; Joel Josephs and I live together as Man and Wife; I did not charge him with not having Spoken Correctly before the Coroner's Inquest; I did not tell Joel Josephs that he had spoken more than the truth before the Inquest. I did not tell him I would tell the Judge of it, I did not mention anything of the kind. He never Said to me, what I have Sworn I will Stick to it, and you do the same; he did not tell me if we told two Stories he would pillow us both, and I would not tell a false oath for all the persons in the Country.

Questioned by the Court says,

I did not see Holness make any blows at all at the Prisoners; I did not see a violent scuffle take place between Holness and the Prisoners, or either of them; I cannot tell whether there did or

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

not; I saw that Gentleman knock Holness down. It was Mr. McNaughton hit him on the back when he fell; it was the Short Gentleman. I do not know their Names. I never Saw them before this time to take any notice of them. They were in the middle of the Street when Holness was knocked down. It was on the High way. I never knew Holness to have a Day's Sickness since I knew him.

The Witness is allowed to withdraw.

HECTOR PIESLEY Sworn and Examined on behalf of the Prosecution, says,

I am a Private in the 73rd Regiment; I reside in Pitt Street; I recollect the Night of the deceased's Death I was in one Ainsworth's House right facing the deceased's, and I heard the riot in the Street. I went out; when I went out Mr. McNaughton and Holness were Struggling in the Street together. They had hold of one another round the waist to the best of my knowledge. I Caught hold of Mr. McNaughton by the Collar, Mr. Connor made a blow at me with a paling; and I stooped my head and Holness caught the blow about the neck; that instant I saw the deceased Man fall. I asked Mr. McNaughton, I told him he ought to be ashamed of himself for kicking up quarrels in the Street; he said he did not wish to quarrel with any one; all he wanted was his hat and he would go home to his quarters.

The Witness is allowed to withdraw.

D'ARCY WENTWORTH, ESQUIRE, Sworn and Examined on behalf of the Prosecution, says,

I am Principal Surgeon on the Establishment of this Colony; I saw the body of the deceased on the night of his death; He was then dead. I examined his body* that Night. I did not discover any external marks of violence on the body of the deceased sufficient to occasion his death. A more particular examination of the body took place on the following Morning. Mr. Redfern, Assistant Surgeon, Mr. Martin, Assistant Surgeon of the 73rd Regiment, Mr. Ross, Surgeon of the Ship Fortune, and myself were present at the examination. On Examination of the body there were no external marks of violence on the body except a Small bruise on the Elbow of no Consequence. We then proceeded to examine the head; the skull was not fractured and the brain was in a perfectly healthy state. We then proceeded to examine the Contents of the Cavity of the abdomen and every thing was perfectly healthy there. On Opening the Cavity of the Thorax and examining the Contents, we found a very Considerable effusion of blood in both lobes of the lungs. I am of opinion that there was quite sufficient to occasion his Death. I suspect the death, occasioned by such an effusion of blood, would be instant. It is impossible for me as a Medical Man to attribute this effusion of blood to any particular Cause, there being no marks of violence on the body. I have never seen an instance of an Effusion of blood in the lungs, sufficient to occasion Death, Caused by a blow without leaving some marks of external violence. I do not think it impossible. As Superintendent of Police I saw the Weapons with which the deceased was Supposed to have been Struck; they were heavy, and I think it more than probable that if a blow was given by one of them sufficient to Cause such an effusion of blood, it would have left Some external marks of violence, but I do not think it impossible that a blow might be Struck, sufficient to Cause instant death, without external marks

* Note 3.

of violence, but I think it very improbable. A violent passion might occasion Such an effect. There are numerous instances of persons having died instantly in violent fits of passion, but I Cannot say whether their Death was immediately occasioned by effusion of blood in the lungs.

The Witness is allowed to withdraw.

MR. GEORGE MARTIN, Assistant Surgeon of the 73rd Regiment, Sworn and examined on behalf of the Prosecution says,

I was present at the examination of the body of the deceased William Holness. On the most minute examination of the external parts of the body, I did not See the least appearance of violence that Could be fatal. On Examination of the brain we found it and its appendages in a healthy appearance. We examined even the ventricles of the brains, which were in a perfectly healthy state. We examined the vertebrae of the neck, they exhibited not the least marks of injury, as also did the whole Contents of the abdomen. We next proceeded to examine the Cavity of the Thorax. One portion of the lungs exhibited an unhealthy appearance; on a Closer examination we found an effusion of blood had taken place in the lungs: this was the only unhealthy appearance we saw in this examination. This effusion of blood was sufficient to Cause death. I do attribute the deceased's death to this effusion of blood. I could not take upon me to assign any Cause to this effusion of blood. There are many instances of an effusion occasioned by anger Causing immediate death. I have never seen an instance of an effusion of blood in the lungs, sufficient to occasion instant death, being Caused by a blow without leaving any external marks of violence. I Could not credit such a thing unless I saw it. I should always be inclined to attribute such a death arising from effusion of blood in the lungs without marks of violence to passion than anything else. There are So many instances of death in this way attributed to passion, and so few attributed to external violence where no Marks of that violence appears, that I am led to adopt this opinion.

Cross examined on behalf of the Prisoners, says,

I am of opinion that instant Death Could not be occasioned by a Stroke on the back of the Neck without injuring Spinal Marrow.

The Witness is allowed to withdraw.

MR. SAMUEL ROSS, Sworn and Examined on behalf of the Prosecution says,

I am Surgeon of the Ship Fortune; I was present at the examination of the body of the deceased. We did not find any external Marks of violence on the body sufficient to occasion Death. We examined the head; the brain and its appendages were in a perfectly healthy state and no appearance of Concussion. We then examined the Neck and found every part of the neck perfectly healthy. We then examined the abdomen, every thing there appeared in a very healthy state. We then examined the Thorax and found a great effusion of blood in the lungs. I have no doubt that the death of the deceased was occasioned by this effusion of blood in the lungs; this I suppose was occasioned by some Spasm or faction of the heart. I think it more probable that the death of the deceased was occasioned by passion than by any blows inflicted on him by the Prisoners. I was present at the latter part of this affray. I was not present before the deceased Came to his death. I never knew an instance of death by an effusion of

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

blood on the lungs, being occasioned by a blow, without leaving some external marks of violence. I should think it was impossible, for I never knew or heard of such a Case.

The Witness is allowed to withdraw.

MR. EDWARD LUTTRELL, Sworn and examined on behalf of the Prosecution, says,

I am Assistant Surgeon at Parramatta, I never knew any instance of Death occasioned by an effusion of blood in the lungs Caused by a blow, and yet no external marks of violence left. I Cannot Say I believe Such a Case impossible. I should attribute death occasioned by such an effusion, where no marks of violence appeared, to a Spasm of the heart occasioned by violent agitation. There have been Several instances of the kind. Some Men have dropped down, suddenly dead in violent fits of Anger. There is one particular disease of the human frame, called Angina pectoris, which is believed to arise from Spasmodic action of the heart, and under the influence of that disease people have died very suddenly.

The Witness is allowed to withdraw.

The Case, on the one part, of the Prosecution is here closed.

The Prisoner, ARCHIBALD McNAUGHTON exhibits a Written Statement Containing such matters as he offers in his defence, which is read as follows, Namely,

"The Prisoner Archibald McNaughton most humbly represents to this Honorable Court that, on the evening of the 30th of June last, he was walking up Pitt Street with Lieut. Philip Connor when they saw a young Woman of the name of Winch, whom he had before known; he went up to her in a peaceable manner and in familiar terms accosted her, when a person, whom he has Since understood to be of the name of John Brown, used abusive Language, and the Woman went into a house at the door of which he and Mr. Connor knocked to get admittance; and whilst they were at the door a person, whom he has Since heard was of the name of William Holness, came to the Door and asked them what they wanted there and desired them to be off; and he having pushed Mr. Connor off the foot path, I went from the foot-path towards the middle of the road and turning saw Mr. Connor had fallen, and just as he was rising the Same person Came with a large Stick and Struck first at Mr. Connor, and Mr. Connor, in parrying the blow with a piece of the broken Stick, had his Stick beat out of his hand, when the person made a blow at myself. And this John Brown also Came at that instant out with a large Bludgeon and knocked me down therewith. I had then no Stick or other Weapon, and by the violence of the blow I fell, and having got up I was looking for my hat when some Soldiers came and took me away. I had no Stick or any Weapon at the Door, or from the time that Mr. Holness Came to the Door, nor had I when Holness made the blow at me, and when Brown Came with a large Stick and attacked me, and with the Violence of such blows I fell, and Gentlemen I utterly disclaim any knowledge how the said William Holness Came by his Death.

"A. McNAUGHTON.

"Sydney, 16th July, 1813."

The Prisoner PHILIP CONNOR, exhibits to the Court a written statement, Containing his defence as follows, namely,

"The Prisoner, Philip Connor, with the greatest submission to this Honorable Court, begs to state the following matters, impressed with the deepest Sorrow of the unfortunate Situation he is placed

in before this Honorable Court, yet Conscious of his own innocence, he looks up for that protection and impartial hearing which an innocent Man may receive. Conscious that, however unfavorable matters may heretofore have appeared, the Crime with which he is charged will appear on an investigation of the Evidence he has hopes to lay before the Court, will acquit him of so foul a charge; as far as he Can relate, the Case is shortly this, He was going with Mr. McNaughton through Pitt Street, they saw a Woman on the foot-path, and they went up to her, and he has since understood she lived in the house of the deceased William Holness to whom the Prisoner was a total Stranger; on approaching her, I was violently abused by a Person then unknown to me, but who I since believe to be a Person of the name of John Brown; and the young Woman went into the House and John Brown went in and slapped the Door too, which hit me as it shut; I believe I struck a Stick I had against the Door Case, and my Stick broke; and shortly after whilst I was Standing at the door speaking to those within a person, an utter Stranger to me, Came up, said that it was his house; I believe I said I wanted to speak to the Girl or the Woman—He replied the Woman was his Wife and desired me to go; I was about to depart but he, as if in great anger, gave me a violent push in the breast with which I fell towards the middle of the Street; and on getting up I went further to the middle of the Street a greater distance from the house, when the person that had given me the push on the breast that Caused the fall Came with a Stick towards me, and Struck me a violent blow as I was standing in the Street; the Person I believe to be the deceased William Holness; and at that instant he was immediately followed by the Person of the name of Brown, who, with a large Stick, drew a blow at me, and the piece of broken Stick I held in My hand in defending the blow fell out of my hand; and they were both laying at me when Mr. McNaughton Came up to my assistance and all the parties were engaged, I had no Stick or other Weapon then, but I ran to get a Stick and pulling down a paling from the front of one John Holmes' house he Came out and attacked me, and we both fell, and I got up from him, and then one McIntosh and Some of the Soldiers Came up to me, and requested of me to go home, which I Consented to and requested them to get Mr. McNaughton also out of the way, and I went with them.

"I most Solemnly aver that however imprudent my Conduct might be by an Act of gallantry to follow a young Woman, the instant I was told that the Woman was the Wife of the Person that Came up to the Door, I was about to retreat when by the push I received from him I fell rather by accident than otherwise, and when I got up I retreated farther off, having no weapon but the piece of broken Stick which was after Struck out of my hand by the sudden attack as before related.

"PHILIP CONNOR."

JAMES DELANY, Sworn and Examined on behalf of the Prisoners. says.

I came free to this Colony; I was in Pitt Street on the Evening of the 30th of June last; about Seven o'Clock I was standing in the road betwixt Holness's and John Holmes's; a young Woman of the name of Winch and Brown were Standing at Holness's Door; I saw these two Gentlemen Officers Come up; one of them went and spoke to the young Woman, I believe the Gentleman that spoke to the young Woman was Mr. Connor; whatever passed

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

between Mr. Connor and the young Woman Brown took it up as jealousy like; with that Brown took the young Woman by the arm, puts her inside Holness's door, and tells Mr. Connor he is no Gentleman, and slapped the door in his face, Mr. Connor Standing outside the door. Mr. Connor had a Cane of some Sort in his hands, and he puts it against the door for to open the door; with that Holness, he being out, he Comes to the door, he desires the door to be opened for him, he stood inside of the door quite close to the door. Then he asked what was the matter when he heard the noise; with that Holness's Wife tells Holness what the Gentlemen want; When she told Holness what they wanted, "Oh, Oh," says Holness, "if its f——g you want, I can give you enough if you do not be off." Mr. Connor Steps on one Side of the door with the Cane he had in his hand; he drew a blow at Holness which Struck against the jamb of the door; with that Holness goes in further on the floor in a great passion and brings out a Stick of some Sort, he faces Mr. Connor out on the Street; in the mean time this Brown follows Holness out to help him, with that the Stick flew out of Mr. Connor's hand or it was broke, I Cannot say which with the blows that were given at him; After he had lost his Stick he made an attempt to take hold of Holness. And Mr. Connor was knocked down by Brown and Holness: with that Mr. McNaughton he heard the dispute, and he Came forward to assist Mr. Connor. He saw the two Men beating Mr. Connor down and he Came to assist them; at that time Mr. McNaughton and Holness attacked one another; with that Mr. Connor had the opportunity of recovering himself; Mr. Connor then ran away a small distance. Holness and Brown then knocked Mr. McNaughton; he recovered himself some how or another, then they both Collared one another after; with that Brown gave Mr. McNaughton a blow on the head; at that present time in an instant, numbers of people gathered about them, and gave both parties several blows. I heard the word pass betwixt them at the present time do not strike him here, he his —— this is the Man; at that present time there was a party of the Military Coming down running, when they Said don't strike him. I believe they meant Holness; that they were striking Holness instead of the Officers; When the Military was Coming on they sung out Murder, the Man was killed. Most part of them ran away; with that I see Mr. Connor Stand at Holmes's paling. I never see him giving a blow from that out. When I heard that the Man was killed I did not like to stop no longer. I went away then a great number of people were there. When Mr. Connor was down they were striking at him; he mentioned the Word my God do not you kill me.

Questioned by the Court, says,

I live in Pitt Street, I am employed at the General Hospital; I never was a Constable. I first Communicated this Story to Mr. Fleming; I was passing Mr. Fleming's door going to Work: and I saw Mr. Fleming at his door and I told him. I communicated this matter to Mr. Fleming the next day. I was not before the Coroner's Inquest. I communicated it to Mr. Fleming, Considering him to be a Man of Judgement. I did not know the Coroner's Inquest was sitting 'till the day after it was over, I was afterwards told that the Coroner's Inquest was held at Inches, Inche's house is five or Six hundred yards from my house or better; a great number of Persons were at the Spot where the parties were. I

cannot name any. I am a Stranger in the Country. I have been in the Country two years last Xmas. I have been all the time since at Sea. There was a person of the name of Murray there with me. I was not acquainted with Holness or Brown, Not to say thoroughly acquainted. I might know them by sight.

The Witness is allowed to withdraw.

PATRICK McMAHON, sworn and examined for the Prisoners, says,

I am Clerk to the Provost Marshal; I know Joseph Murray; I had some Conversation with him the day the Inquest was taken. Murray told me that he was present with Delany at the place where this business took place. I should not have asked him had I not been told the same by Quin and Casey. He told me that he was present with Delany at the time of this transaction. I never had any Conversation with Brown relative to this matter.

The Witness is allowed to withdraw.

JOSEPH MURRAY, sworn and examined on behalf of the Prisoners says,

I was in Company with Delany on the Evening of the 30th of June when this Affray happened in Pitt Street. I walked out that Evening; it was about Seven o'Clock at Night as I was Coming from my own house towards Holness's door, I met two Gentlemen. I did not know them at the time. I saw a Girl of the name of Winch discoursing with Brown the Painter; they were walking along hand in hand together towards John Holmes's; one of the Gentlemen went to Speak with the Girl. Brown got Contrary and Cross. He shews the Girl into Holness's house and gave some unmannerly answers to one of the Gentlemen that began the dispute. Brown went in and Slap'd the door in his face, the Gentleman made answer if he had the puppy out he would Cane him with the Cane he had in his hand. He made a push or two at the door thinking to open it, but it was fast and he could not. He went then about a rod or a rod and a half from the door. Holness was in the house with Michael Byrne at the same time the dispute was; after one of the Gentlemen Came from the door, Holness Came from the door, Holness Came down out of Byrne's House to his own house; Not knowing of the dispute at the same time, he rapped at the door and he found it shut, the people inside opened it and he went in; one of the Gentlemen returned back to the door when he saw it opened; Holness Came to the door and told him to go about his business, he would give him f——g enough if he did not go about his business. Mr. Connor then drew a Stroke with his Cane at Holness, but he was inside the door, and the Stroke did not Catch him; when Holness saw this, he returned in and got a Stick, Came out, and both he and Mr. Connor fought at one another; they fought from Mr. Holness's door, out to the middle of the road. In the fighting the Stick was broke or knocked out of Mr. Connor's hand, I cannot tell which. Mr. Connor then Closed in upon Holness, and Holness got Mr. Connor on the ground, and some strokes took place while they were down. Mr. McNaughton never returned until then; when he saw Mr. Connor down, he Came back, he struck Holness then to the best of my opinion, I am not sure. Mr. Connor ran away then; he went a small way off, but as he did not see Mr. McNaughton Coming from the gathering he Came back and tore some of the paling from Holmes's fence, but I did not see him using it. I then lifted up Mr. McNaughton's hat and gave it to one of the Soldiers. I saw

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

no more, only I heard a little while after that the Man was dead. I helped to bring Mr. McNaughton off, when I saw him in liquor. I saw Brown the Painter then at the latter end of the fight; he had a Stick at the latter end; he Came out when Holness and they were fighting to assist him. Brown was out before Holness died. In the morning early I told this Story to Mr. Casey. I told Casey that Delany was along with me. I was down at the Coroner's Inquest the whole time, but I was not Called upon and I did not like to busy myself to go in it.

Questioned by the Court, says,

I live in Pitt Street; I am acquainted with Brown, but have no particular acquaintance with him; I know him by sight very well; I cannot be sure that I saw Brown Strike Mr. McNaughton; I did not see Brown Strike Mr. Connor, I saw nothing but Mr. McNaughton's hat knocked off. I was acquainted with the deceased William Holness. I knew him these few Years back. I did not see Holness knock Mr. McNaughton. I did not take notice of Mr. Holness on Mr. McNaughton being knocked down either. Delaney and myself walked out of my house together, after we had our Supper. One Felix Owen supped with us.

The Witness is allowed to withdraw.

THOMAS BROWN, sworn and examined for the Prisoners, says,

I am a Private in the 73rd Regt.; I was in Pitt Street on the Evening of the 30th of June last. I was at part of an affray that happened near Holness's house that Evening. I happened to be going out with my Comrade William Baw; John Pritchard was also with me; we were all going together, going round the Corner of Pitt Street, by Mich'l Byrne's. I heard a riot, I said to my Comrade look at this, I perceive a Man at a piece of distance give a blow, says I to my Comrade there's Somebody got it now. Coming nearer hand, I see two more blows given, and directly I went up, looking Mr. McNaughton in the face, knowing it to be him, I collars this Brown the Painter; I saw it was Brown the Painter with his stick in full swing. Holness was not dead at this time. I then Collared Brown, and said you rascal how durst you take upon you to Strike an Officer; I directly took the Stick out of his hand; he did not make any resistance but gave me the Stick and went away into his house; in the mean time of that, Mr. McNaughton and the deceased were in one another's arms, in a few moments they both tumbled down together. Mr. McNaughton then rose from him and looked all round him and asked where his hat was. I told him the D'r of the Fortune had got it. There was a report at the same time that he had answered if you will go and get me my hat I will go home, this is pretty usage for Gentlemen to be so treated by such Scoundrels. Pritchard then went to look for the hat into the house of the deceased. Pritchard fetched the hat to me, I gave it to Mr. McNaughton and asked him to go home; he said he should go home and he bade me good Night; at the same time the deceased was lying at my foot, and the Woman belonging to him at his head. She desired me to help her in with him, but thinking he was against one of my own Officers, I says directly no, I won't; she called out for assistance; when two or three men whom I do not know Came and helped her into the house with him, I stood at the door and heard a loud Cry that the man was dead. I went in to see and could not believe he was dead, for I saw him get no violence except it was from those blows,

I saw Brown Strike but I could not tell at whom; I came out of the house and went away with my Comrades. Mr. McNaughton had no Weapon whatsoever, I took the Stick which I got from Brown home with me and I gave it to one Brice, a Constable, this morning about Eleven o'Clock I shall know it if I see it.

Questioned by the Court says,

I do not know one James Delany. I do not know Joseph Murray. I do not know either of them by sight. I might know them by sight, but I do not know their names; I have known Brown Six months; I mentioned to two or three of my Comrades, and said this is the Stick I took from Brown that I see him give the blows with.

The Witness is allowed to withdraw.

JOHN PRITCHARD, sworn and examined for the Prisoners, says,

I am a Private in the 73rd Regt. I know Thomas Brown and William Baw. I was with them in Pitt Street on the evening of the 30th of June last; I saw an affray there about seven o'Clock in the evening; Me, Brown, and Willm. Baw were going up the road at that time; just as we were turning round the Royal Oak we perceived a Crowd of people (the Royal Oak was Michael Byrne's house), I heard a blow, but by whom it was give I cannot tell; We made up to the Crowd and I perceived Mr. McNaughton and Holness scuffling in the Centre of the road; I perceived Holness with a Stick in his hand, but Mr. McNaughton had none at this time; In a few Seconds after this I saw Brown the Painter Come out and Strike Mr. McNaughton two or three times across the head, soon after Mr. McNaughton received this blow he and Holness both fell, Mr. McNaughton got up but I did not see Holness get up after. At the time of Mr. McNaughton's getting up he appeared from the severeness of the blow he had received from this here Brown the Painter to be stupified or deranged in his mind. I says to Brown the Soldier, who is that with the top Coat on, meaning Mr. McNaughton, me not knowing him at the time: He replied it is one of your Officers. I desired him to take that Stick from Brown; he immediately did, and the words he made use of were "You damned Rascal how dare you Strike one of our Officers." Soon after some Woman Called out that Holness was dying at the time he lay upon the ground. I immediately turns round and goes up to Mr. Connor and I sees him have a Stick; I took away the Stick from Mr. Connor and threw it away, a Soldier in the mean time had hold of Mr. Connor's arm, trying to get him home; at this time the Mob began to get very thronged round Mr. Connor, Women and Men too; and finding he was in danger he immediately goes to the palling of one Holmes's and tore down a palling for a protection for himself; he goes round the Mob to look for some one, and not being able to find him he Comes round to the foot road again with the Stick in his hand, but he struck no one in my presence. Very Soon after Mr. McNaughton and Mr. Connor both went home with two Soldiers. I saw Mr. McNaughton and Holness fall together; I did not see Mr. McNaughton strike Holness. Brown struck him when they were both together, I observed two blows strike Mr. McNaughton across the head, very Severe ones too. One of these blows might have struck Holness as well as Mr. McNaughton.

Questioned by the Court says,

I Can't say that ever I knew Brown the Painter in particular before the Night. I have seen James Delany today; I do not

1813.
31 July.

Proceedings
at trial of
Lieutenants
McNaughton
and Connor.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

recollect seeing him then that night. I do not know Joseph Murray; a considerable Mob of Men and Women got round Mr. Connor, I Cannot name any of them; I am a Stranger here, I did not see Holness knock down Mr. Connor. I did not see Holness knock down Mr. McNaughton. I believe Mr. McNaughton would have got a very Severe blow from Holness had he not held his arms Somehow or another wrestling, and in the mean while up Come Brown the Painter and gave them these blows; I did not see the Woman with any Weapon; Brown, striking in the way he did, might have Struck Holness in the Scuffle.

The Witness is allowed to withdraw.

A Stick is now produced and shewn to the Witnesses, Thomas Brown and John Pritchard, who both Swear it to be the very Stick taken by the former from Brown the Painter. The Witness Brown says he did not put any particular mark on the Stick, but he took particular Notice of it and knows *it from being black* at the end.

WILLIAM BAW, Sworn and examined for the Prisoners says,

I am a private Soldier in the 73rd Regt. I was in Company with Pritchard and Thomas Brown on the evening of the 30th of June; As we were Coming round Mich'l Byrne's I perceived a Crowd near his house, nigh Joseph Inches; We went forward to see what it was; when we went forward we Seed Mr. McNaughton and the deceased Scuffling with one another, and, as they were Scuffling there, a Man of the Name of Brown Came and Struck at Mr. McNaughton with a Stick, which of the two he Struck I Could not say; Pritchard said to Thomas Brown the Soldier who is that? He said it was Brown the Painter striking one of the Officers; so he went and took the Stick from him, and said to him, how durst he Strike an Officer with a Stick. Mr. McNaughton and the deceased both dropped together; afterwards Mr. McNaughton got up and Seemed to be much Stupified and he wanted his hat and asked for his hat; he said he would go away if we would give him his hat; Answer was made that the Doctor of the Fortune had it; afterwards a Soldier went for his hat and gave it to him, and he went away. The Woman Called out that the Man was dead and Called out for help to get him in. The Man was taken in and we went away, and I know no more of it. Mr. McNaughton had not a Stick in his hand but Holness had a Stick when he went up with them.

Questioned by the Court says,

I never knew Brown the Painter before that night. It was dark when we got to the place and the moon was down. I don't know James Delany. I do not know Joseph Murray. I did not see Brown the Painter or Holness strike Mr. Connor.

The Witness is allowed to withdraw.

MR. JOHN BALLARD Sworn and Examined for the Prisoners. Says,

I am Master of His Majesty's Ship Samarang. On the evening of the 30th June last I went into Holness's House after the death of William Holness.

The Witness is asked whether he heard any persons making use of any invectives against the 73rd Regt.

The Judge Advocate objects to the question in its present general shape.

Some Conversation ensued the result of which was that *the Witness was withdrawn*.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

WILLIAM MACINTOSH, Sworn and examined on the part of the Prisoners, says,

I am a Private in the 73rd Regt. I was in Pitt Street on the evening of the 30th of June last. I was Coming down from the Tanks towards Pitt Street, and when I was at Mich'l Byrne's I saw a Crowd a little further down Pitt Street; I made towards the Crowd as fast as I could; when I got there I stood upon the middle of the Street by myself. There was no Person with me. I saw a Scuffle but not knowing who the parties were, I did not interfere for some time, until Josh. Murray told me that that was Some of Our Officers. I then went a little nearer and Saw two or three men about Mr. Connor. I could not know them it being dark; I at that time saw Mr. Connor fall and them a'top of them, he was trying to get up and they were keeping him down, and they rolled into a little drain at Mr. Holness's pavement. Mr. Connor got up then and ran down as far as Mr. Meurant's, when he got that length he stopped and he took hold on a paling; he drew it off; I then went up to him and told him that I was a Soldier and belonged to his own Company and to Come along with me from that place entirely; he told me that if I was a Soldier he would thank me to see him home, that his life was in danger, he had been ill used by different people. I requested him to throw away the paling and he left it there. We went to go home and went down Street a little, he asked me if I had seen Mr. McNaughton, I told him I did not know that he was there; he then desired me to go back and look for him, that he owed his life to him, and he could not go away and leave him. I went back and met Mr. McNaughton Coming down the Street bare headed. I told him Mr. Connor was waiting for him, he desired me to go and look for his hat which I did. I went and called publicly for Mr. McNaughton's hat, and had it given me by a Soldier; but I do not know who it was as it was dark, when I Came back I found Mr. Connor, Mr. McNaughton and Green a Soldier standing in the middle of the Street. We all four went home to their lodgings in Mr. Clarkson's house, Mr. McNaughton then Complained of his head and desired me to feel it. I felt two distinct lumps in the back part of his head as if given by two distinct blows, something wet was oozing out of them which I conceived to be blood. I did not see Mr. McNaughton engaged at all in any part of the business neither did I see Mr. Connor Strike any one; that is all I have got to say, I did not see any blows struck by any one.

The Witness is allowed to withdraw.

MR. GEORGE MARTIN, Assistant Surgeon of the 73rd Regt., again Called Says,

I saw Mr. Connor on the evening of this business after it was over; he complained of being very much hurt and took off his Coat and exposed his arm; it appeared very much bruised, I think it was the left, I cannot positively say. I made no further examination; he Complained of his whole body. I did not examine Mr. McNaughton, but I could plainly distinguish an oozing of blood from one of his ears quite recent. Mr. Connor said he would strip himself but I did not examine any more than his arm. John Brown the Painter Came out in the Same Ship with me; he was one of the worst Characters on board that Ship; I have a great deal of doubt of his being a fit Man to be believed on his oath, I would not say positively.

The Witness is allowed to withdraw.

1813.
31 July.

Proceedings
at trial of
lieutenants
McNaughton
and Connor.

MR. EDWARD QUIN Sworn and examined for the Prisoners, Says.
I went to the House of Holness, the deceased, a short time before his death to execute a process against his Person. I saw Mrs. Holness, she told me he was out; I went away and said it did not signify, I would see him in the Course of the Day or the very next day; the next day I called again I received the Same answer. I said I was Sure he was not out, and I would not go till I saw him; he Came out of the room, he appeared to me in a very Sickly state. I told him I had a Writ against his person and asked him if he could find bail; he told me he was very ill, that he had a Complaint in his side and breast; he looked miserably bad and that made me say he was drinking.

The Witness is allowed to withdraw.

THE REVEREND SAMUEL MARSDEN, Sworn and examined for the Prisoners, Says,

I know John Brown the Painter; he Came out in the same Ship with me to this Country. I know nothing of him since he Came to this Country. I should suppose he is a Person fit to be believed on his oath; he was my Servant part of the voyage out and I discharged him from my Service for drunkenness and Suspicion of Theft. I discharged him under an impression of his general bad character at that time.

The Prisoners decline Calling any further Witnesses.

The Judge Advocate summed up the Evidence in open Court. The Court then retired to deliberate.

The Court having maturely Considered and fully understood the evidence adduced as well on behalf of the Prosecution as on behalf of the Prisoners at the Bar and what the Prisoners had to offer in their defence, doth adjudge that the said Archibald McNaughton and the said Philip Connor are not, nor is either of them Guilty of the Murder of the said William Holness in Manner and form as they Stand charged; But that they the said Archibald McNaughton and Philip Connor are, and each of them is Guilty of Feloniously killing and slaying the said William Holness, and that for the said offence they do Severally pay a fine to the King of one shilling, and be severally imprisoned in His Majesty's Gaol at Parramatta for the space of Six Calendar Months.

ELLIS BENT, Judge-Advocate.

G. A. GORDON, Major.

J. BRABYN, Capt. V.C.

ANTHONY COANE, Captn.

JOHN PIKE, Capt. 73rd Regt.

WILLIAM LAWSON, Lieut. R.V. Compy.

A. GREENSHIELDS, Lt. 73d Regt.

The Judge Advocate publicly pronounced this verdict and passed Sentence upon the Prisoners, and the Court was then adjourned without a Day.

ELLIS BENT, Judge-Adv.

These are to Certify that the above is a true Copy of the minutes of the Proceedings on this Trial extracted from the Record Book of the Court of Criminal Jurisdiction* in the Territory of New South Wales, and of the Information and other Documents therein exhibited.

ELLIS BENT, Judge-Adv.

Compared with the Judge Advocate's Certified Copy and found correct, In thirteen folios, which I certify.

JNO. THOS. CAMPBELL, Secy.

Sydney, 9th August, 1813.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

1813.
31 July.

(Despatch per transport Windham; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir, Downing Street, 31st July, 1813.

I am directed by Lord Bathurst to transmit to you the Copy of a Memorial addressed to his Lordship by Capt. Rd. Brooks, who has made several Voyages to New So. Wales, and of whose Character a favourable Report has been received. Memorial of Richard Brooks.

Lord Bathurst has grounds to believe that this Person is not unknown to you, and as there is no reason to doubt but that he is possessed of Property fully sufficient to enable him to cultivate a farm with Advantage, his Lordship desires me to request that you will give Capt. Brooks a Grant of Land to such an Extent as you may think reasonable and proper under all the Circumstances of his Case, with the Privileges usually allowed to Free Settlers. Land to be granted to Brooks.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

THE MEMORIAL OF RICHARD BROOKS.*

Memorial of Richard Brooks.

To the Right Honorable the Earl of Bathurst his Majesty's principal Secretary of State for Colonies and plantations.

The Humble Memorial of Richard Brooks of the Circus, Greenwich, in the County of Kent, late Master Mariner,

Sheweth unto your Lordship, That your Memorialist hath made four Voyages from England to his Majesty's Colony of New South Wales, the two first with Convicts, and the two last with Merchandize, and for four years last past your Memorialist has been established in the said Colony, and in the Course of that time, he purchased a Vessel and made one Voyage to India.

That your Memorialist conveyed to the said Colony a great number of seeds and Plants, which he has had the satisfaction to learn have proved highly beneficial to the Colony.

That your Memorialist in the Course of the several Voyages, and during his late residence in the Colony, hath acquired property of various descriptions, and in particular a considerable Herd of Breeding Cattle which have increased to two Hundred Head, and which he is extremely desirous of further increasing, but that can only be accomplished by your Memorialist being allowed by his Majesty through the Medium of your Lordship to become a Free Settler in the Colony, and to have the usual allotment of Land and other privileges enjoyed there by Free Settlers, in which Case it is the intention of Your Memorialist to cultivate some part of the land he became possessed of by purchase, and now holds.

* Note 5.

1813.
31 July.

Memorial of
Richard Brooks.

That to further such views, your Memorialist intends to become wholly resident there, and to take out his wife and six children, and to purchase a Vessel, in which, from his intimate acquaintance with the Colony, he intends also to take out Seeds, Plants, implements of Husbandry, and other things, and also such Articles, as he knows to be the most beneficial, and in the greatest repute there. And on his arrival to employ the said Vessel in such pursuits, as may be deemed most conducive to the reciprocal advantages of this Country and the Colony. That the property your Memorialist intends to carry with him will rather exceed £7,000.

Your Memorialist therefore most humbly prays, that your Lordship will be pleased to allow your Memorialist to become a Free Settler in His Majesty's said Colony of New South Wales, and that he may have a grant of Land, and such other privileges, as are enjoyed by his Majesty's other Subjects who are Free Settlers there.

Your Memorialist will as in duty bound ever pray, etc.

RICHD. BROOKS.

14 Circus, Greenwich, 5th July, 1813.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport General Hewitt; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

3 Aug.

Sir,

Downing Street, 3rd August, 1813.

Permission
for John
Faultless
to become
a settler.

Lord Bathurst having received a very favourable Report of Mr. Jno. Faultless, and satisfactory Evidence having been produced that this Person possesses sufficient Property to enable him to cultivate a farm with Advantage, he has received his Lordship's permission to embark for New So. Wales as a Settler in the Ship General Hewitt. And you will therefore grant him such an Allotment of Land as may be proportionate to his Capital, and give him the Encouragement usually allowed to Settlers of the same Class.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport Windham; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir,

Downing Street, 3rd August, 1813.

Appointment of
John Piper as
naval officer.

Lord Bathurst has acquainted you in his Dispatch No. 21 that he had appointed Captain Piper to fill the appointment of Naval officer and Collector of Duties in New So. Wales, And his

Lordship now directs Me to inform you that that officer takes his passage in the Ship General Hewitt, which is under dispatch for Port Jackson.

1813.
3 Aug.

These Offices being judged by the Commr. in Chief to be incompatible with a Military Commission,* Capt. Piper has quitted the Army; and it is his Lordship's desire that you extend to him every Encouragement that has been given to Civil Servants of the Colony.

Piper's
retirement from
the army.

Lord Bathurst forbears on this occasion, as he has done upon every other (that of Mr. Lord excepted†), to specify the precise Quantity of Land to be allotted. But as his Lordship has already received from you a very favourable Report‡ of Mr. Piper's Character and Services, he has no doubt that he will be perfectly satisfied with any Grant you may think proper to give him.

Land to be
granted to
Piper.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport General Hewitt; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir, Downing Street, 3d August, 1813.

Mr. Alfred Thrupp has been recommended to Lord Bathurst as a proper Person to become a Settler in New So. Wales, and has received permission to take his Passage in the Ship "Genl. Hewitt." I am therefore directed by his Lordship to request that you will order the Lt. Governor of Van Dieman's Land to give him an Allotment of Land at the Derwent, where he wishes to establish himself, together with such other Privileges as are usually allowed to deserving Settlers, and that you do also send him from Port Jackson to Hobart's town in one of the Government Vessels.

Permission for
Thrupp to settle
in Tasmania.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport General Hewitt; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir, Downing Street, 3d August, 1813.

Lord Bathurst, having received from the Earl of Winchelsea a recommendation in favour of Mr. Rich'd Gore, his Lordship has been induced to give his Sanction to Mr. Gore's proceeding as a Settler to New So. Wales in the Ship "General Hewitt," altho' he is not possessed of that amount of Property which it has been usually expected that Persons claiming that Indulgence should take with them to the Colony: But as Mr. Gore is

Permission for
Richard Gore
to become
a settler.

* Note 6. † Note 7. ‡ Note 8.

1813.
3 Aug.

Permission for
Richard Gore
to become
a settler.

nearly related to a reputable family already in the Settlement, his Lordship is not apprehensive that there is any danger of his becoming a burthen on the Public, and he therefore desires me to request that you will give him such Encouragement as a Settler as you may think proper, and as the Assistance which he will receive from his Relations in the Colony may seem to deserve.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO SECRETARY CROKER.

(Despatch per whaler Phoenix.)

Sir, Sydney, New South Wales, 3rd August, 1813.

1. However unpleasant it may be to prefer Complaints of a serious Nature against Officers of His Majesty's Naval Service, I feel it a Duty I owe to My own Public Situation here, as Governor and Commander in Chief of this Territory, to transmit to You the following Statement of Facts, with the Correspondence Contained therewith, for the purpose of being by You Submitted to the Consideration of the Lords Commissioners of the Admiralty; requesting You will be pleased to move their Lordships to adopt such Measures, as may appear to them advisable for preventing a Repetition of such Insulting and Unjustifiable Conduct being again resorted to by Officers in His Majesty's Naval Service against this Government, and the Civil Authorities of the Country.

2. On the 26th of November, 1812, The Samarang, Sloop of War, Commanded by Captain William Case, Arrived at Port Jackson from Madras in the East Indies, having been sent hither with a Quantity of Specie (in Dollars) for the Use of this Colony. I received Captain Case with every Degree of Respect and Attention due to an Officer Commanding One of His Majesty's Ships of War; and I Continued to treat him and his Officers with Hospitality and every Civility in my power to Shew them, Until their own improper and disrespectful Conduct forced me to forego all further friendly Intercourse with them.

3. Captain Case having made a private Requisition to Me for some Coals for his own Use, I ordered one of the Government Colonial Vessels, named the Estramina, to be hauled alongside of the Samarang Sloop of War on the 2nd of December, 1812, for the purpose of Supplying Captain Case with the Quantity of Coals he required from the said Government Colonial Vessel, She having then just Arrived with a Lading of that Article from the Coal River; and in Order to hasten the Delivery of these

Report on
misconduct of
captain Case.

Arrival of Case
in H.M. sloop
Samarang.

Coals allowed
for use of Case.

Coals, I directed Mr. Robert Watson, the Harbor Master, to repair on board the Estramina for the purpose of seeing them transhipped with the least possible Delay. Whilst Mr. Watson was in the Exercise of this Duty, Some Altercation took place between him and Mr. Ballard, the Sailing Master of the Samarang, which ended in the latter making a Prisoner of the former, taking him by force on board of the Samarang and there putting him in Irons, Whilst in the Execution of his Duty as an Officer Under this Government. Mr. Watson was shortly afterwards taken out of Irons and relieved from his Imprisonment, on the Representation of the Naval Officer of the Port to Captain Case of the Harshness and Injustice of the Steps that had been pursued towards the Harbor Master; who, as soon as he was released from his Confinement, Complained to me of the ill Usage he had received from Captain Case and the Master of the Samarang. I directed Mr. Watson, in the first instance, to make Affidavit of the Whole of the Circumstance Connected with his Imprisonment, and I also directed the Wharfinger, Mr. George Dowling, who was on board the Estramina, in his official Capacity, during the time of the Altercation between the Master of the Samarang and Mr. Watson, to make Affidavit of the Circumstances which then passed.

1813.
3 Aug.

Arrest of
harbour master
by Ballard.

Release of
Watson by Case.

Complaint of
Watson to
Macquarie.

Correspondence
between
Macquarie
and Case re
Ballard's
conduct.

4. Being Strongly impressed with the Injustice and Illegality of the Conduct of the Master of the Samarang, and that it was the Duty of Captain Case to prevent such illegal Acts being Committed by any of his Officers, I addressed a Letter to him on the Subject, enclosing him the two Affidavits Alluded to, and Calling on him for an Explanation of Mr. Ballard's Conduct towards Mr. Watson. The Correspondence, that took place between Captain Case and myself on this Occasion, is Contained in the Accompanying Papers, Marked from No. 1 to No. 9 Inclusive. I forbear to make any Comments on the answers I received from Captain Case respecting this disagreeable Occurrence. But I trust the Lords Commissioners of the Admiralty will do me the Justice to allow that I Could not tamely Submit to such a Marked Insult being Offered to an Officer, Serving under My Authority, while in the Execution of his Duty, without Calling on Captain Case to redress the Grievance Complained of, In as far as he was able, by Censuring the improper and Tyrannical Conduct of his Sailing Master. How far their Lordships will approve of Captain Case's Conduct in this instance, it is not for me to say, but I should hope they will Consider it in the same Light as I do, and that they will be pleased to express their Disapprobation of the Conduct of that Officer on this Occasion.

1813.
3 Aug.

Convicts
shipped on the
Samarang by
Case.

5. The Samarang Sailed from Port Jackson on the 7th of January last, intending to return to India; but returned again into Port on the day following, in Consequence of her being found Very Leaky After getting out to Sea. Several Convicts were Missed immediately on the Sailing of the Samarang, which led to a Suspicion that they had made their Escape in that Ship. On her Return into Port these Suspicions were Confirmed, but it was not 'till some time Afterwards that I had positive Proof that they were on board the Samarang under fictitious Names, and that Captain Case had received them on board, and Entered them on his Ship's Books. Altho' I had Reason to believe that he Must have known *they were Convicts*, Yet I was willing to suppose that they might have passed themselves upon Captain Case as Free Men, and therefore I addressed a Letter to him on the Subject, a Copy of which I herewith transmit, marked No. 10, and in Consequence of which Application he sent Five Convicts on Shore, whom, he said, had Entered with him as Free Men. To the Letter I addressed to him on this Occasion, he did not Condescend to favor me with any Reply, nor has he ever Attended to the Recommendation it Contained in regard to Identifying at the Secretary's Office the persons of those Men who Enter with him here as Seamen; so that, Most probably, When he again Quits this Port, he will Carry away many Convicts, who will be glad to avail themselves of so favorable an Opportunity of making their Escape from the Colony.

Regulations
proposed *re*
shipping or
pressing men for
naval service.

I have Mentioned this Circumstance, not so much in the Way of Complaint against Captain Case, as to shew the Necessity of all other Captains of Men of War, who may hereafter Visit this Port being furnished with positive Orders from the Lords of the Admiralty not to receive, or permit to be Entered on board of their respective Ships, any person whatever in this Colony, without first Identifying his person at the Police or Secretary's Office, in order to ascertain whether he be really a Free Man or a Convict. It would also be adviseable that Captains of Men of War Coming to this Country should be prohibited from Pressing any Seamen, either on float, or on Shore, without first observing the Same Rule of Identifying their Persons at one or the other of the Offices above Mentioned, as it would preclude Almost the Possibility of Convicts making their Escape from the Colony, if this Rule was rigidly Observed by Ships of War, as well as Merchant Men.

Riotous conduct
of naval officers.

6. The next Complaint, I have to prefer against Captain Case and the Officers of the Samarang, is a very Serious Breach of the Peace, Committed by the latter in the Town of Sydney on the Night of the 16th of March last, in assaulting and destroying

part of the premises of Thomas Clarkson, a peaceable, Industrious Inhabitant, and in forcibly rescuing and releasing from the Civil Power a Sailor belonging to the Samarang, who had been taken up and Confined in one of the Watch Houses for rioting, and Assaulting the premises of the afore named Thomas Clarkson on the Night of the 16th of March last.

1813.
3 Aug.

Release of
seamen from
watch-house by
officers of the
Samarang.

7. The Superintendant of Police having reported to me that the Officers of the Samarang had Committed the Breach of the peace herein adverted to, and laid before me the Deposition of Thomas Clarkson whose Premises had been attacked, and of the Constable who was in Charge of the Watch-House, Where the Sailor had been Confined, detailing the Circumstances of the said Assault and Rescue, I lost no time in Sending for Captain Case to apprize him of what had happened. On his Calling upon Me I shewed him the Depositions of Thomas Clarkson and the Constable, and endeavoured to Impress him with the Very Serious Nature of the Offence against the Laws and the Police of the Country his Officers had thus Committed; telling him at the same time that it was not my Wish to expose them to any public Trial or Punishment, providing they would Apologize to me *in Writing* in Appropriate Terms of Sorrow and Regret for the Offence they had Committed and the Insult they had thereby Offered to Me and the Government over which I presided. Adding that they must also pay the Amount of Damages they had Committed on the House and Premises of Thomas Clarkson; and on these Conditions, only, I should take no further Notice of what had passed.

Captain Case at this Interview, appeared to be sensible of the improper Conduct of his Officers, promised that he would expostulate with them thereon, and recommend to them to Submit to the Alternative I had then Offered them through him. I saw nothing farther of Captain Case for some days, when he again Called on me and informed me that he had Spoken to his Officers, but that he Could not prevail on them to make a Written Apology, or to acknowledge that they had Committed any Breach of the Peace or Offence against the Laws of the Country; and only Adding that they Meant no Insult to Me, personally, and that they had No Objection to pay Thomas Clarkson the Amount of Damages they had done to his House. I informed Captain Case that this Message, sent by his Officers through him, was by no Means Satisfactory, that I Could not Consider it as any Apology, and that I must therefore require of him in writing to deliver up the Officers of the Samarang, Concerned in this Riot and Assault, to the Civil Power, in order to be dealt with according to Law.

Refusal of
officers to make
a written
apology.

1813.
3 Aug.

Demand for
surrender of
officers for trial.

Officer
wrongly
identified.

Trial and
acquittal of
officers for
rescuing a
sailor from
the watch-house.

8. In pursuance of this Resolution, and on the Strength of the Deposition of Thomas Clarkson and the Constable, from whose Custody the Sailor had been forcibly rescued, I addressed a Letter to Captain Case under date 22nd of March last, Calling on him to deliver up to the Civil Power the Officers, therein named, to Stand their Trial for the Offences of which they had been Accused in the Said Depositions. The Correspondence which passed on this disagreeable Occurrence between Captain Case and Myself and some of his Officers, together with the two Depositions alluded to, and another Affidavit made by a Woman named Hester Stubbs, connected with this Subject, Are Contained in the papers from No. 11 to No. 20, both Inclusive, which accompany this Letter, and to which I beg leave to refer their Lordships. The Reason of my Naming Lieutenant Butcher of the Samarang in my first Letter to Captain Case on this Subject, was, that Thomas Clarkson, tho' he Could not Swear positively to his Person, assured me that he was one of the party who had Assaulted his Premises on the Night of the 16th of March. It afterwards appeared, however, that Clarkson had mistaken Lieutenant Butcher for Lieutenant Strover of the same Ship, who, in person and Size, bears a very near Resemblance to Lieutenant Butcher. Lieutenant Strover had the Candor, some time afterwards to acknowledge to Myself that He was one of the Persons who had attacked Clarkson's Premises, and that Lieutenant Butcher was not then with that Party. It appears, however, in the Affidavit of Hester Stubbs that Lieutenant Butcher accompanied her to the Watch House where his Servant was Confined, and Witnessed his being forcibly rescued.

9. The Officers of the Samarang Concerned in rescuing the Sailor from the Civil Power, having persisted in declining to make any appropriate Atonement for that Breach of the Peace, I ordered them to be Summoned before the next Criminal Court to have their Conduct Investigated, and the Result was that they were Acquitted of *Forcibly Rescuing*, as the Indictment ran, the Sailor Confined in the Watch House, out of the Hands of the Civil Power. It appeared however in Evidence that they made use of very threatening and very abusive Language to the Constable in Charge of the Watch-House, who, from Fear, was induced to Open the Door of the Room where the Sailor was Confined, and Allow him to Walk out by their Command. I have thus detailed this very unpleasant Occurrence exactly as it took place. I forbear to make any Comments on the Letters addressed to me on this occasion by Captain Case and Some of his Officers. They Speak for themselves, and must, I think, appear to their Lordships as highly Insulting and disrespectful

to Me, as Governor in Chief of this Territory; and if so, I hope their Lordships will take Such public Notice of the Conduct of Captain Case and his Officers, as in their Judgment it Merits.

1813.
3 Aug.

10. In the latter End of January last, Captain Case Ordered a Survey on the Samarang Sloop of War, under his Command, and the Committee gave it as their Opinion that She was Unfit for His Majesty's Service, but that She was Capable of undergoing Such a Repair here, as would admit of her returning to India by the Eastern Passage. Captain Case did not then think proper to give her this temporary Repair, and resolved on Reporting the disabled Condition of the Samarang to the Commander in Chief of the Naval Force in India, sending an Officer thither by the first Opportunity that Offered to Convey this Intelligence to the Admiral. I was therefore not a little Surprized to receive a Letter from Captain Case dated the 11th of June last, announcing to me his Intention of immediately Commencing to repair the Samarang, so as to enable him to return in her to India, and Calling upon me to furnish him with a number of Naval Stores, Timber, and Workmen to enable him to put His Majesty's Ship in a thorough State of Repair.

Survey and
condemnation of
the Samarang.

Case's decision
to remain in
Port Jackson.

Repairs
proposed for
the Samarang.

Notwithstanding I Considered the Conduct of Captain Case as very extraordinary and inconsistent on this Occasion, after Sending his Report to the Admiral Commanding in India of the Ships having been Condemned as unfit for the Service, Yet I agreed to furnish him with Such Naval Stores and other Assistance for repairing the Samarang, as Could Conveniently be spared to him from the Very limited Resources of the Government, and which I have accordingly done, as far as I possibly Could, without actually depriving myself of the Necessary Means of keeping the Government Colonial Vessels in Repair, and in a Constant State of Readiness for the Service of the Colony. Captain Case, however, Complains that I have thrown Impediments in the Way of his repairing His Majesty's Ship, and that he is refused Almost every thing he asks for from the King's Stores here; but this Assertion is as unfounded as it is unjust and illiberal: for he has received every Assistance in Stores and in Workmen that I Could possibly Afford, and I greatly fear, after all, that Captain Case will put the Crown to a very heavy Expençe in repairing this old decayed Ship without ever being able to make her fit for His Majesty's Service.

Naval stores
and assistance
granted by
Macquarie.

11. In Concluding this Letter I must add that the General Conduct of Captain Case has been highly irregular and improper since his Arrival in this Colony in his total Disregard to the Colonial Port Regulations and Police Regulations; In open Defiance of the latter he permits and Sanctions the Seamen of

Case's disregard
of port and
police
regulations.

1813.
3 Aug.

Case's disregard
of port and
police
regulations.

Complaints of
merchants and
ship-owners *re*
Case's actions.

his Ship to ramble about the Streets of the Town on Sundays, bringing on Shore their Allowance of Spirits and Small Kegs and Bottles, and Selling the Same on Shore, instead of drinking it on board, according (as I am given to understand in the Order) to the Rules of the Navy, and thus greatly disturbing the Peace and Tranquility of the Town. Several Complaints have also been lately made to me by respectable Merchants and Ship-Owners in Sydney that they have Sustained very Severe Loss and Injury in their Trading and Shipping Concerns from Captain Case's forcibly taking boats, Seamen, and Carpenters from their Ships, and private Dock Yards; to one of which he lately sent a Party of Marines to Press and take from the Yard by Force two Carpenters. These Outrages are too gross and of too Serious a Nature to be overlooked, and I have therefore referred these Complaints and Sufferers to the Courts of Law in the Colony for that Redress so justly due to them from Captain Case. I enclose herewith, for the Information of their Lordships, Copy of a Letter, marked No. 21, I lately received from Mr. Blaxcell, one of the principal Merchants and Ship-Owners in Sydney, Containing a Complaint of a very Serious Nature against Captain Case, in which his Conduct appears to Me to have been highly Reprehensible and Illegal, and which I have therefore directed to be taken Cognizance of by the regular Courts of Law established in this Colony.

Reasons for
report made
by Macquarie.

12. In Submitting the foregoing Statement of Facts to the Consideration of the Lords Commissioners of the Admiralty, I request You will be pleased to Assure their Lordships that I am actuated in making it by no Spirit of Revenge or Animosity against Captain Case or his Officers, but solely from a wish to maintain the high office, I am here Intrusted with, Unimpaired, and to Protect His Majesty's Subjects Committed to my Care. These being my Motives for preferring the present Complaints against Captain Case and his Officers, I indulge a Hope my Conduct herein will meet with the full Concurrence and Approbation of the Lords Commissioners of the Admiralty.

I have, &c.,

L. MACQUARIE,

Govr. in Chief of N. S. Wales.

[Enclosures.]

COPIES OF CORRESPONDENCE BETWEEN HIS EXCELLENCY GOVERNOR
MACQUARIE AND WILLIAM CASE, ESQR., COMMANDER OF HIS
MAJESTY'S SLOOP OF WAR SAMARANG, IN SYDNEY COVE,

And of Papers connected therewith.

Numbered from 1 to 21 both inclusive Commencing the 5th
Decr., 1812, and ending 29 July, 1813.

In Ten Sheets. Each leaf having my Initials (J.T.C.) affixed to it as a Voucher for its being Correct.
 Sydney, 3rd August, 1813. JNO. THOS. CAMPBELL, Secy.

1813.
 3 Aug.

[1] *Governor Macquarie to Captain Case.*

Government House, Sydney, N. S. Wales,

Sir,

5th Decr., 1812.

It is with very Sincere regret that I feel myself compelled from a sense of Public Duty, to call upon you to explain to me clearly and explicitly whether it was by your own, or by whose authority, the Sailing Master of His Majesty's Ship Samarang, under your Command, took upon him the highly illegal and most unwarrantable step of making prisoner of Mr. Robert Watson, Harbour Master of this Port, while in the execution of his duty on board the Government Colonial Vessel Estramina on Wednesday, the 2nd Instant, by taking him on board the Samarang and there placing him in double irons.

Case to explain reasons for arrest of Watson.

If this man had committed any fault or crime deserving of punishment, the regular course would have been to have sent him to have been tried on shore, or punished by me after his crime had been clearly Substantiated; but to inflict such disgraceful summary punishment upon him, without either trial or examination before any regular constituted Authority, was as illegal as it was unjust and arbitrary.

Illegality of Watson's arrest.

Permit me also to inform you, Sir, that I consider this Act as highly insulting and disrespectful to me as Governor in Chief of this Territory and His Majesty's representative, and I shall consequently feel myself bound to submit a Statement of the whole of the circumstances of this case for the information and decision of the Lords Commissioners of the Admiralty, and His Majesty's Ministers, unless I receive from you a satisfactory explanation on this important point.

Report to be made to the admiralty.

Herewith I enclose, for your perusal and information, affidavits made this day before a Magistrate by Mr. Robert Watson, Harbour Master, and Mr. George Dowling, the Wharfinger, of Port Jackson, containing a Statement of the circumstances which occurred on the 2nd instant on board H.M. Ship Samarang, and Government Colonial Vessel Estramina, to which Statements I request your particular attention.

Transmission of affidavits.

Your letter dated the 2nd Instant* enclosing the Statement of the Master of the Samarang for my information, through Some mistake was only delivered to me this morning; but I am sorry to say it contains nothing Satisfactory, or that can in any degree palliate the highly improper and illegal conduct of that Officer.

Ballard's statement unsatisfactory.

I have, &c.,

L. MACQUARIE.

* Note 9.

1813.

3 Aug.

Deposition of
Robert Watson,
harbour master.[2] *Deposition of Robert Watson, harbour master.*

Sydney, N. S. Wales, }
Cumberland to Wit. } The Deposition of Robert Watson, Har-
bour Master and Senior Pilot within the
Harbour of Port Jackson: who, being
duly Sworn on the Holy Evangelists, *Saith*—That on Wednes-
day, the Second of this instant Month of December, this Deponent
being then on board the Government Colonial Vessel Estramina,
which he had laid alongside of H.M. Ship Samarang, then laying
within the Cove of Sydney in order to her discharging part of
her cargo of Coals into the Said Ship Samarang, it being his
duty as Harbour Master so to do; That the Estramina being
commanded by his own Son, Edward Watson, he continued
for some time with him on board of her, and observed the dis-
charge of part of her Cargo. That about 100 Baskets of Coals
full heaped were discharged to the Samarang. After the Said
100 Baskets, or thereabouts, had been So discharged, an Officer
belonging to the Samarang, whose name Deponent does not
know, but whom he has reason to believe is the Sailing Master
of the Said Ship Samarang, came on board the Estramina, and
said the Coals should be delivered by an average weight, and for
that purpose had a Basket of Coals weighed, which he said
should be the average weight of all the other baskets. That
Deponent, observing that said Basket of coals So weighed was
not heaped in the Same manner as the former ones had been,
it being only levelled to the top of the Basket, objected to it as
a due Standard; as, were the heaped Baskets to be only rated
at the Same weight with that so weighed, there would be a loss
of about 20 lbs. weight on each Basket. That he made this
objection on the part of his Son who commands the Said Estra-
mina, who, being a young and inexperienced man, was fearful
to make the objection himself. That he, this Deponent, then
took a Shovel and began to heap coals into the Basket the same
way as had been done with all the former ones. That in so
doing, the Said Master of H.M.S. Samarang Seized him this
Deponent by the Collar and Shook him, Saying he had no busi-
ness with the matter. That Deponent being thus illused, without
any provocation, his Son Edward Watson then Stepped forward
and caught the Said Master, and disengaged him from the grip
he had taken of his father, and Deponent *Saith* that unless he
had been so Separated from the Master of the Samarang, he
believes the Said Master would have Struck him. That Said
Master abused him in gross and unbecoming terms, and told him
he would put him in Irons. That Said Master then called to
the Serjeant of Marines, then doing Duty on board the Sama-
rang, to take him this Deponent on board H.M.S. Samarang, and

put him in Irons. That Deponent then Said he would go on board of his own Accord, and that he did accordingly go on board, and was immediately put in Irons within the Main Hatchway. That Deponent then saw nothing further of the Master, but, after being about quarter of an hour in Said confinement in Irons, he this Deponent was brought before the Captain of said Ship Samarang, in his Cabin; that the Said Captain informed Deponent that owing to the good character he had heard of Deponent, that he would release him from his confinement on condition that he this Deponent would beg the Master's pardon. That Deponent Said "No, Sir, I cannot think of begging pardon when I am in the right." That the Captain then ordered him this Deponent into Irons again, and that he was accordingly put in Irons as before, and remained so confined for about the further Space of three quarters of an hour. That Deponent was at length Set at liberty, and returned to Shore with Captn. Glenholme, the Naval Officer, and to this Deponent further Saith that he believed he owes his enlargement to the application or remonstrance of the Said Naval Officer.

And Deponent further Saith not.

ROBERT WATSON.

Sworn at Sydney, New South Wales, this 5th day of December, 1812, before me,

ELLIS BENT, Judge-Advocate.

[3] *Deposition of George Dowling, Wharfinger.*

Sydney, N. S. Wales, } The Deposition of George Dowling, Wharfinger and Meter, of Sydney aforesaid, being duly Sworn on the Holy Evangelists, Saith—That on Wednesday, the Second of this instant December, He, this Deponent, was on board the Government Colonial Vessel Estramina, in the execution of his duty as Meter, Superintending the discharge of part of Said Vessel's cargo of Coals to His Majesty's Ship Samarang, alongside of which ship the Colonial Government Vessel had been placed by Robert Watson, the Harbour Master. That said Deponent asked the Master of the Estramina what quantity of Coals he was to discharge to the Samarang. That he was answered Six tons. That the Said Harbour Master and his Son, Edward Watson, who Commanded the Said Estramina went on board the Samarang, and remained there for about 25 or 30 minutes; that they then returned to the Estramina, and Deponent asked the Master of the Estramina why he did not begin to discharge of the Coals. The Deponent was answered by Said Master of the Estramina that he waited for the assistance of the Camp Gang. That a

1813.
3 Aug.

Deposition of
Robert Watson,
harbour master.

Deposition of
George Dowling,
wharfinger.

1813.
8 Aug.

Deposition of
George Dowling,
wharfinger.

boat was Sent on Shore for the men of the Camp Gang, and returned, not bringing any assistance; That one of the men who had gone ashore on the Boat Said on his return, that the Men of the Camp Gang could not be Spared. That Deponent, observing that the discharge was not likely Soon to commence, told the Master of the Estramina, that he this Deponent would go on Shore and take his dinner, but if the Gang Should arrive before his return that he this Deponent requested of the Master of the Estramina to send a person for him. That a person accordingly did come for him, and that this Deponent went again on board the Estramina. That five or Six Baskets of Coals had been delivered before his return to the Estramina. That he this Deponent Kept a regular Tally of the Number of Baskets of Coals discharged in his presence to the number of about 110. That this Deponent then requested the Master of the Estramina to get a Basket of Coals weighed for the purpose of ascertaining the number of Baskets which would be required to make up Six tons. It was then agreed between the Master of the Samarang and the Master of the Estramina that a Basket of Coals should be weighed. A Basket was then filled and a Steel yard was sent for on board the Samarang to weigh it. The Harbour Master was then Sitting forward on the Starboard Side of the Estramina on the railing nearly opposite the Main Hatch. The Deponent saw the Master of the King's Ship Samarang take a shovel or spade and Strike off all the Coals above the level of the rim of the Basket. That the Said Harbour Master then Stepped forward, and taking the Shovel, Said he would not see Government wronged, and began to replace the Coals in the Basket, which had been struck off by the Master of the Samarang. That the Master of the Samarang then questioned the Harbour Master what business he had with it, and pushed him away from the Basket. Deponent then requested Watson, the Master of the Estramina, to interfere to prevent blows from taking place between the Master of the Samarang and the Harbour Master. That Said Watson did interfere and went between them. But the Said Master of the Samarang called to the Serjeant of Marines to take this man, meaning the Harbour Master, and to put him in Irons; and that Said Harbour Master went on board the Samarang attended by a person whom Deponent supposes to be a Serjeant of Marines.

Deponent further Saith not.

GEORGE DOWLING.

Sworn at Sydney, New South Wales, this 5th day of
December, 1812, before me,

ELLIS BENT, Judge-Adv.

[4] *Captain Case to Governor Macquarie.*1813.
3 Aug.

His Majesty's Ship Samarang,
Sir, Sydney Cove, Port Jackson, 2nd December, 1812.

I beg leave to lay before Your Excellency the enclosed Statement of an altercation which took place yesterday afternoon on board the Estramina Schooner, between Mr. John Ballard, Acting Master of His Majesty's Sloop under my Command with James Watson and the Master of the above Schooner for your perusal.

The dispute
between Ballard
and Watson.

I also beg leave to mention Such part as Came under my observation which is as follows—vizt. while laying indisposed in my Cot, my Carpenter came to me with Complaint that a man on board the above Schooner, in a State of inebriety had Struck our Master while in the execution of his Duty; upon hearing of which I immediately ordered him on board to be taken charge of until Sober, at which time I sent for him into my Cabin, and upon enquiring found him to be the Boatswain of the Yard, I ordered him to be released.

I have, &c.,

WM. CASE, Captain.

- [5] *The Statement of the proceedings on board the Estramina Schooner while laying alongside H.M. Ship Samarang, under your command, between myself and James Watson and the Master of the Estramina Schooner, Sydney Cove, Port Jackson 1st Decr., 1812.*

Statement by
John Ballard.

BEING in the act of hoisting in Coals from the above Schooner, I, Mr. John Ballard, Master of H.M. Sloop under your command inquired of the Master of the Schooner the weight of each Basket of Coals to be filled. He told me one hundred wt. I rather doubting his assertions expressed a wish to see the Basket of coals weighed in my presence, and when in the Act of weighing the above mentioned Basket of coals the same James Watson (Harbour Master) who, being on board the Schooner at this time, stepped up and directed that more coals should be put on the Basket. When I said the Basket was sufficiently full, and begged him to desist, but he most presumptuously refused, and in order to prevent his doing the Same I put my arm before him, when he immediately Seized me by the Collar; while endeavouring to release myself from his most Violent treatment by pushing him from me, I was suddenly collared by a Second person whom I discovered by looking round to be the Master of the Estramina Schooner. When free from the grasp of the aforesaid persons I immediately called for the Serjeant of

1813.
3 Aug.

Statement by
John Ballard.

Marines, and directed him to take the Said James Watson in charge and to take him on board H.M. Ship under your Command.

To confirm the authenticity of the afore-mentioned circumstances there are two Officers on board H.M. Ship ready to take oath if required, to what I have inserted.

I am, &c.,

JOHN BALLARD, Master.

[6] *Captain Case to Governor Macquarie.*

His Majesty's Ship Samarang,

Sir,

Sydney Cove, 6th Decemb., 1812.

In reply to your letter of yesterday's date, I feel myself bound from a Sense of Duty I owe His Majesty's Naval Service to support with dignity the Honorable Commission I bear, and Severely regret that a Correspondence should become necessary under Circumstances So disagreeable.

Watson's arrest
justified by
Case.

In the first part of your Excellency's letter, you call upon me to explain clearly and explicitly whether it was by my own Order, or by what authority, Mr. Robert Watson, Harbour Master of this Port was put in Irons, I beg leave to refer you to my letter dated 2nd Decr. 1812, as also the depositions on that Subject; what came under my own observation is there stated. However, in order to prove to your Excellency that the Steps taken with the Said Mr. Robert Watson were so far warrantable as to place him under the penalties of the 22d Section of the Naval Articles of War, wherein it Says, "If any Officer Mariner or Soldier in or belonging to the Fleet, shall Strike any of his Superior Officers, or draw or offer to draw, or lift up any weapons against him being in the execution of his Office on any pretence whatever, every Such person, being convicted of any Such offence by Sentence of a Court Martial, shall Suffer Death." I therefore conceive his crime of Such a glaring nature, that it fully justifies the Steps already taken, and your Excellency must be well aware that crimes committed afloat must become Subject to Naval discipline. And I feel it my duty, as Commanding one of His Majesty's Ships in this Port, not to Suffer any infringement on its discipline but to carry it up to the full meaning and Spirit of my Instructions, and I assure Your Excellency I have acted Solely on the Authority vested in me by His Majesty.

I, also, beg leave to refer Your Excellency to that part of your letter wherein your Excellency conceives it highly insulting and disrespectful to you as Governor in Chief and His Majesty's

Representative in New South Wales. The latter I am well convinced of, and I trust your Excellency will allow me to be His Majesty's representative afloat.

1813.
3 Aug.

When the affair first took place, myself with my First Lieutenant was sick, the Second Lieutenant was on shore on duty, consequently the Command devolved on the Master, who contrary to my orders, placed the Said Mr. Robert Watson in Irons, and whom I Severely reprimanded for having done so. I was not acquainted with Mr. W. being an Officer in the Colonial Service, but his disgraceful Situation before me, a Captain in His Majesty's Navy, he being intoxicated with a contemptuous deportment, was sufficient to justify the Act which your Excellency is pleased to term illegal, unjust and arbitrary, and under these circumstances, I have to request that you will be pleased to apply to the Commander in Chief in India for a Court Martial on my Conduct and that of the Master of His Majesty's Sloop under my Command, as it is highly necessary it should become a Subject of Serious investigation.

Reasons for
action taken.

Demand by
Case for an
inquiry.

Your Excellency must consider that the Master of a King's Ship is considered as a Gentleman, and there certainly Should be Some distinction made between the two.

I further beg leave to assure your Excellency that my wish has been for the public good, and no motive could have induced me to act as I have done did I not feel convinced there was a necessity for it, but difference of opinion, I hope, will not be the means of delaying the Service I am employed in.

The enclosed affidavits I also return, having taken a correct copy of them.

I have, &c.,

WM. CASE,

Captain & Senior Officer of His Majesty's Naval Forces in Sydney Cove.

[7] *Governor Macquarie to Captain Case.*

Government House, Sydney, N. S. Wales,

7th Decr., 1812.

Sir,

I have had the honor to receive your letter of yesterday's date returning me the two Affidavits, I enclosed you in my letter of the 5th Inst.

I must confess I am equally surprized and mortified to find that you appear to justify instead of disapproving of the measures pursued by the Master of H.M. Ship under your Command towards Mr. Robert Watson, the Harbour Master of Port Jackson on Wednesday the 2nd Instant, in placing that Officer in double Irons under the plea of his being amenable to the Naval Articles of War.

Macquarie's
regrets at
Case's action.

1813.
3 Aug.

Naval articles
of war
irrelevant to
the position.

No man can entertain a higher respect for His Majesty's Royal Navy and the Articles of War, established for its due subordination and discipline, than myself. But I cannot for a Moment allow that the Naval Articles of War are of Such paramount authority as to supersede the British Laws, so wisely enacted for the Security and protection of all British Subjects.

Your quotation from the naval Articles of War is by no means applicable to the present case in any sense of the word. He is a free man, does not belong to the Royal Navy, holds a respectable Civil position under this Government, was in the execution of his Civil duties, as Harbour Master, when grossly and wantonly insulted by the Master of the Samarang; and when it is clearly proved that he never struck, but, on the contrary acted only in Self defence on his being first collar'd by the Master of the Samarang.

Under all these circumstances, I must still remain of my former opinion that the measures pursued towards Mr. Robert Watson by the Master of the Samarang were unmerited and consequently illegal and arbitrary. And since you appear of a different opinion, I shall in pursuance of the intention intimated to you in my letter of the 5th Inst. transmit Statements of the Circumstances of the Case to His Majesty's Ministers, and to the Lords Commissioners of the Admiralty for their information and decision; and they, as our mutual Superiors will of course decide whether your interpretation or mine of the Articles of War be most correct and consonant with the British Laws.

I do not deem it expedient or incumbent on me to apply to the Commander in Chief of the Naval Force in India for a Court Martial on either yourself or the Master of the Samarang; contenting myself with referring the matter at issue Home, as already intimated in the foregoing part of this Letter. But you may rest assured, Sir, however much we may differ in opinion on this particular point, you will always find me ready and willing to promote and facilitate the public Service, in which you are now engaged, by every means in my power.

I was not before aware that you were His Majesty's Representative afloat, and therefore return you thanks for that piece of information.

I have, &c.,

L. MACQUARIE.

[8] *Captain Case to Governor Macquarie.*

Sir, His Majesty's Sloop Samarang,
Sydney Cove, 8th December, 1812.

Acknowledging the receipt of your Excellency's Letter of yesterday's date, I feel infinite regret that the conduct of the

Report to be
transmitted to
the admiralty.

No court
martial to
be held.

Master of H.M. Sloop under my Command towards Mr. Robert Watson should have been the means of producing a Correspondence between your Excellency and myself, in which we unfortunately differ on points of Public Service, but as I cannot admit that it is at all Compatible, with the Commission I have the honor to hold, to allow an officer to be insulted with impunity when in the execution of his Office.

1813.
3 Aug.

Case's regrets
for the dispute.

I therefore rest assured that the measures I adopted on this occasion will, when represented, meet the approbation of the Lords Commissioners of the Admiralty and His Majesty's Ministers.

I have, &c.,

WM. CASE, Captain.

[9] *Governor Macquarie to Captain Case.*

Sir, Sydney, N. S. Wales, 8th Decr., 1812.

I have the honor to acknowledge the receipt of your letter of this day's date; and, in reply thereto, have only to express my regret that the circumstances, which produced the Correspondence, should render it necessary for me to make an appeal to the Lords Commissioners of the Admiralty and His Majesty's Ministers in the matter at issue.

Macquarie's
regrets.

I have, &c.,

L. MACQUARIE.

[10] *Governor Macquarie to Captain Case.*

Sir, Government House, Sydney, 16th February, 1813.

Several Convicts having absconded and deserted from the Public Govt. Gangs, and from private individuals to whom they were assigned, about the time H.M. Ship Samarang left this Harbour on her intended Voyage to India, and there being reason to suppose that some of them entered on board that Ship passing themselves off as Free men, and that they are still on board the King's Ship under your Command, I have to request that you will be pleased to make strict enquiry therein, and if received or entered by you under the Supposition of their being free men that you will cause them to be given up to Government, and delivered over to the Bearer, Mr. Nichols, the principal Superintendant of Convicts, who now proceeds on board to receive them. I also send the Chief Constable along with Mr. Nichols to receive the Convicts should any be found on board the Samarang.

Convicts
supposed to
have shipped on
the Samarang.

I conclude you will order the whole of your Ship's Company to be mustered on board the Samarang, in presence of Mr. Nichols and the Constables, in order to enable them to identify the Convicts if there be any on board. But the surest and most effectual mode of ascertaining whether any Convicts have really

Ship's company
to be inspected.

1813.
3 Aug.

Ship's company
to be inspected.

entered on board the Samarang would be to send all those persons who have entered, or whom you have received on board of her since your first arrival in Port Jackson, on Shore, in charge of an Officer to the Secretary's Office, to be there examined, and to produce their qualifications or Certificates of Freedom.

By pursuing this course it will be clearly ascertained whether the men, who have entered, have practised any imposition on you; and I trust you will see the propriety and necessity of acquiescing in this plan, for the good of the Public Service.

I have, &c.,

L. MACQUARIE.

[11] *Governor Macquarie to Captain Case.*

Government House, Sydney, N. S. Wales,

Sir,

22nd March, 1813.

Officers to be
surrendered
for trial
for breach
of the peace.

It is with Sincere Pain and great reluctance that I am Compelled, from a sense of Public Duty, to call upon you in His Majesty's Name to give up and Surrender to Public Justice *on shore* the following Officers of His Majesty's Ship Samarang under Your Command; Namely, Lieut. Butcher, Mr. Thomas, Surgeon, and Mr. Ballard, Acting Master, to Stand their Trial before the present Criminal Court, or the first regular Bench of Magistrates that can Conveniently be assembled, to answer to Charges to be preferred against them for Outrageous and illegal Conduct on the Night of the 16th Inst. in forcing and releasing a prisoner, Confined in One of the Watch Houses, from the Civil power, and in Committing an assault on the premises of Thomas Clarkson in the Town of Sydney.

On these Officers Surrendering themselves to the Superin't of Police, D. Wentworth, Esqr., I shall instruct him to admit them to Bail until a Day is appointed for their Trial for the Offences which they stand Charged with having Committed on Shore.

I have, &c.,

L. MACQUARIE,

Governor in Chief of New South Wales.

[12] *Captain Case to Governor Macquarie.*

His Majesty's Sloop Samarang,

Sir, Sydney Cove, New South Wales, 22nd March, 1813.

I have the honor to acknowledge the receipt of your letter of this day's date and to assure Your Excellency, that I feel the most Sincere regret, you should judge it expedient to institute

Criminal Proceedings against any of the Officers under my Command for an alledged Assault and breach of the Peace.

1813.
3 Aug.

I considered it to be my duty to make the most rigid enquiry into the Circumstances of the Prisoner being, as described by Your Excellency, outrageously and illegally forced and released from the Custody of the Civil Power, And I feel perfectly Warranted in Asserting from that enquiry, that no such Unofficial Conduct was pursued by the Officers named in Your Excellency's Letter.

Case's denial
of charges
against officers.

The Prisoner named by Your Excellency was William Woodford, Servant to one of the Lieuts. of the Ship. The Surgeon and Master, on being Casually informed that a Seaman belonging to the Ship was Confined in the Watch House, went there and requested the only Constable present, to inform them what Crime the Boy had Committed. The Man replied he did not know, And on the Master's Civilly requesting, that he would permit him to take the Boy on board, and that he would be responsible for his appearance whenever Called on, he was permitted to go without the Smallest hesitation or reluctance on the part of the Constable.

Release of a
prisoner in the
watch-house.

On a View of this Statement (the truth of which might easily have been ascertained without proceeding to the extreme resort of a Criminal Court) I am at a loss to Conceive how a Criminal process could have been resolved upon by Your Excellency, as I cannot but be of opinion, that upon the most forced Construction of the Circumstances attendant on the transaction in Question, it really does not amount to a Single Breach of the Peace.

Criminal trial
unnecessary.

Respecting the Assault on the premises of Thomas Clarkson, The Officers alledge that they never received from him the Slightest information of any damage being done, or any Application for Compensation for the trifling damage unintentionally done to his Fence in a frolic; had he done so, ample remuneration would have been made to the extent of his demand; on their refusal the remedy was easy, as a Complaint lodged before any Magistrate, or Application been made to myself, would have procured Thomas Clarkson the redress he had ineffectually sought from the Officers themselves.

Officers unaware
of damage to
Clarkson's
premises.

If after this Statement Your Excellency should deem yourself justified to order a Warrant to be issued to apprehend Lieut. Butcher, Mr. Thomas, Surgeon, and Mr. Ballard, Acting Master, I have to inform Your Excellency, that previous to my delivering those Officers up to the Civil Power, I shall require an Official Copy of the Warrant under Your Hand and Seal in Order to transmit it for the information of the Naval Commander in Chief in India, and as is usual in all Cases when

Request for
official copy
of warrant
for arrest.

1813.
3 Aug.

persons, amenable to the Naval Articles of War, are delivered up to the Civil Authority to Answer for Offences Committed on Shore.

Case surprised
at Macquarie's
action.

I cannot help expressing my Surprise and regret, at the receipt of such a Letter, as you have deemed proper to address to me, more particularly after the Verbal Communication I had with Your Excellency this Morning, when I expressed to you the Sorrow and regret of the Officers particularized by Your Excellency, at having Committed any Act, that should Call upon Your Excellency to interfere in your Official Capacity; Your Excellency may also recollect my having informed you, that the officers were ready and willing to make any Compensation in their power to Thomas Clarkson.

I have further to remark, that the Charges ought first to have been proved before the Actions of Officers, bearing Commissions in His Majesty's Naval Service, should be Stigmatized as being outrageous and illegal.

I have, &c.,

WM. CASE, Captain.

[13] *Governor Macquarie to Captain Case.*

Government House, Sydney, N. S. Wales,

Sir,

23rd March, 1813.

Macquarie
determined
to take action.

I have the honor to receive your evasive and unsatisfactory letter of Yesterday's date, in reply to mine of the same date, which leaves me now no other alternative than to pursue such legal Steps as the Law directs and authorizes in all Such cases, as the one now under consideration.

I have, &c.,

L. MACQUARIE,

Governor in Chief of New South Wales.

[14] *Captain Case to Governor Macquarie.*

His Majesty's Ship Samarang,

Sir,

Sydney Cove, Port Jackson, 24 March, 1813.

In reply to your letter of Yesterday's date, in answer to mine of the 23rd Inst. which Your Excellency is pleased to Style evasive and very unsatisfactory,

Case's denial
of evasion.

I have only to remark that, as an Officer and Gentleman, I am incapable of practising evasion, either in my public or private Correspondence. Very unsatisfactory it may have been, as my letter was certainly intended to clear the characters of deserving Officers from unproved and unfounded allegations.

It remains with your Excellency to institute such legal proceedings as you may deem necessary.

I have, &c.,

WM. CASE, Captain.

[15] *Examinations of Thomas Clarkson and John Eyres.*

Territory of New South Wales, Co. Cumberland.

Before D'Arcy Wentworth, Esqr., one of His Majesty's
Justices of the Peace in and for the Territory aforesaid.

1813.
3 Aug.

The Examination of Thomas Clarkson of Hunter Street in
Sydney in Said County, taken upon Oath, this Seventeenth day
of March, One Thousand eight hundred and thirteen. Examination
of Thomas
Clarkson.

Saith. That Examinant was in his house in Hunter Street last night, and a few minutes after nine o'clock, two Lads, namely James Haydon and William Biggs, came into his House to him and told him that three men, passing by, had knocked off the Ball from one of the Stone pillars in front of the house. That in consequence of that information, Examinant ran out of his house, and perceived three Men running away towards Castlereagh Street. He followed them as fast as he could, and before he came up to them, they stopped at the Corner of William Roberts's paling, corner of Hunter and Castlereagh Streets, and two of them forced off one of the palings each, and the whole three then ran up Castlereagh Street very quick. Examinant pursued them, crying Stop Thief, and John Russell, District Constable of Number three in Sydney, apprehended one of Said persons and Committed him to the Watch house of District Number Four, corner of King and Pitt Street.

Saith. That Such person described himself to be a servant of Mr. Butcher, the Second Lieutenant of His Majesty's Sloop Samarang, now anchored in Sydney Cove. The Examinant then returned to his own house, leaving that person in the Watch-house. That a few minutes after ten o'clock last night Examinant was standing at the front gate of his house in Hunter Street, and Mr. Thomas, the Surgeon of the Samarang, and the Master of the Samarang, accompanied by the person before alluded to, namely the Servant of Lieutenant Butcher, passed by his house, and went to Hester Stubbs' house in Phillip Street, Examinant having watched them thereto. In a few minutes afterwards, Examinant saw Hester Stubbs pass by to William Roberts's with a bottle, and She shortly after returned home with Some liquor. Saith That in a few minutes after, that the Said three men returned from Hester Stubbs, armed each with a bludgeon, and they went down Hunter Street. Examinant told Surgeon Thomas that he knew him and would report his conduct in the morning. Examinant went to bed, when the company departed who were in his house, and some little time after twelve o'clock Examinant heard a noise at the front of his house, and coming down stairs, he perceived the Said three persons, in company with several others, knock off two more of the Balls

1813.
3 Aug.

Examination
of Thomas
Clarkson.

upon the pillars, fronting his house, after which they all ran up Elizabeth Street. That Examinant applied to a Constable, named Thomas Bingham, who together with Joseph Barry and Examinant followed such persons, but they could not overtake them.

THOMAS CLARKSON.

Sworn before me,—D. WENTWORTH, J.P.

Examination
of John Eyres.

JOHN EYRES, a Constable of Number four District in Sydney, being duly sworn this Seventeenth day of March, One Thousand eight hundred and thirteen—Saith—That he was on duty last night at the Watch-house of Said District, Corner of King Street and Pitt Street, and that about the hour of nine o'clock James Hanks, a Constable, delivered into his Custody in the Said Watch-house, a person, who he told him was given into his charge by Thomas Clarkson. That Examinant received Such person and confined him in the Watch house, where he remained until a little after ten o'clock, when five persons, who appeared to be officers of the Samarang, came and asked if a man belonging to the Samarang was confined there. Examinant replied that there was, whereupon they asked permission to go into the Watch house, which Examinant granted them. That upon their seeing the person so confined, a tall stout man, the most robust of the said Five persons forced him away, Saying he would not allow the Governor to keep a man belonging to the Ship in the Watch house, and in consequence of such Act the confined person went off accompanied by Said Five persons. That at this time Examinant saw Hester Stubbs standing with a girl at the Corner of Morris's Garden, adjacent to the Said Watch house. That the Said Hester Stubbs had been at the Watch-house with the confined person, immediately after his Committal there, and asked him his name, when he replied that his name was Woodford. And Examinant Saith that he is not in the least doubtful that the Said Hester Stubbs accompanied Such party, through the View of pointing out to them the Watch house.

his
JOHN X EYRES.
mark

Sworn as before,—D. WENTWORTH, J.P.

Examination of
Hester Stubbs.

[16] *Examination of Hester Stubbs.*

Territory of New South Wales, Co. Cumberland.

Before D'Arcy Wentworth, Esqr., one of His Majesty's Justices of the Peace in and for said Territory.

THE Examination of Hester Stubbs, free woman, wife of Thomas Stubbs, of Phillip Street, taken upon Oath this Twenty

1813.
3 Aug.Examination of
Hester Stubbs.

Sixth day of March, One thousand Eight hundred and thirteen, Saith—that on the night of the Sixteenth Instant March, about half an hour past nine o'clock, Examinant was informed by one Patrick Caffrey, that Mr. Thomas, the Surgeon of H.M. Sloop Samarang, was confined in the Watch house at the corner of Pitt Street and King Street. That in consequence of such information this Examinant went to this Watchhouse to enquire if Such were the case, and upon making such enquiry from the constable on duty there, by asking him if the Doctor of the Samarang was confined in the Watch house, he desired the Examinant to describe the Doctor's person to him which having done, the Constable then informed her, that it was not him that was confined, that it was a Lad. That Examinant then saw Said person and found that it was Mr. Butcher the Second Lieutenant of the Samarang's Servant. That Examinant then returned to her house in Phillip Street, wherein Lieut. Butcher lodges, and upon her arrival She found him in bed. That Examinant informed Mr. Butcher that his servant was in the Watch house and in about half an hour afterwards he arose from bed, and dressed himself and requested that Examinant would accompany him to show him the Watch house in which his Servant Woodford was confined, and she accordingly did do so. That in their way to the Watchhouse, through King Street, they perceived three men walking on before them, and the Said three men entered the Watchhouse. That Lieut. Butcher stood at the corner of Pitt Street and Morris's paling with Examinant, and she heard Some loud language in the Watch-house, which was uttered by Mr. Ballard, Master of the Samarang. That Mr. Butcher went towards the Watch-house, leaving the Examinant still standing at the Corner of Morris's paling, but before he could arrive thereat Examinant Saw Surgeon Thomas, Mr. Sharman, late of the Samarang, and Mr. Ballard come out of the Watchhouse, along with Woodford the prisoner, who had been confined in the Watchhouse. That Lieut. Butcher and Examinant then returned to her house in Phillip St. having come thereto the Same way that they went therefrom to the Watchhouse, by the corner of Hyde Park, and the Said four named persons, Mr. Thomas, Mr. Sharman, Mr. Ballard and Woodford, went all together down Pitt St., towards Hunter Street. That Lieut. Butcher directly undressed and went again to bed. But in about a quarter of an hour afterwards, Mr. Thomas, Mr. Ballard and the Servant, Woodford, came to Examinant's house and requested to see Lieut. Butcher. They all three entered the bedroom where Mr. Butcher then was in bed, and Mr. Ballard requested that Examinant would bring him

1813.
3 Aug.

Examination of
Hester Stubbs.

a half pint of Spirits at the Same time giving her a Bill to pay for it, amount Five Shillings. Saith that she went to William Roberts's, the Sign of the King's Arms in Hunter Street, and purchased the half pint of Spirits, and returned home, and gave it to Mr. Ballard. It was drunk in the room, and then the whole three, namely Doctor Thomas, Mr. Ballard and Woodford went away, leaving Lieut. Butcher in bed, and she saw no more of them that night. That at the time Lt. Butcher was approaching the Watchhouse, upon seeing Mr. Ballard going in thereto, Mr. Butcher Saith there's Ballard going in, he is the fittest to deal with them, for he has a blustering kind of way or words to that effect—but Examinant is inclined to believe that these were the express words.

her
HESTER X STUBBS.
mark

Sworn before me,—D. WENTWORTH, J.P.

[17] *Lieut. Butcher and Surgeon Thomas to Governor Macquarie.*

His Majesty's Sloop Samarang,

Sydney Cove, 14th April, 1813.

Sir,

We, the undersigned, being Officers in His Majesty's Navy, feel ourselves Compelled not only from a Sense of public Duty, but a duty we owe ourselves, to call your Excellency's attention to charges preferred against us, which can be proved to be malicious groundless and false, and it is with infinite regret we observe your Excellency has been pleased to prefer the deposition of a Watchman to that of Gentlemen of honor and integrity, and also declared in your public correspondence our conduct to have been outrageous and illegal, and as that correspondence is to be transmitted to Our Commander in Chief in India, we, from a firm conviction in not having in a Single instance violated the laws of this Colony, and that we can refute any charges alledged against us, have to request, as all the Officers belonging to this Ship are present, you will be pleased to institute whatever Court of Justice you may deem most proper, in order that our Conduct may be impartially investigated, and to remove that Stigma which has been unjustly thrown on our character.

Previous to appearing before any Criminal Court of Justice, we conceive it necessary that a Copy of all Charges, and other documents of a Criminal nature should be furnished us, not only as Security to ourselves, but that the whole proceedings in this very unpleasant affair may be laid before His Excellency Vice Admiral Sir Samuel Hood under whose Command we have the honor to serve, who will no doubt make it a Subject of public

Inquiry
demanded by
Butcher and
Thomas.

Copies of
documents
demanded
before trial.

investigation, and shew to us that Justice which is due to the Rank and Character of Officers in His Majesty's Navy.

1813.
3 Aug.

We have, &c.,

J. B. BUTCHER, 2d Lieut.

WM. SETIN THOMAS, Surgeon.

[18] *Governor Macquarie to Lieut. Butcher and Surgeon Thomas.*

GOVERNOR MACQUARIE has received the Letter addressed to him by Lieut. Butcher and Surgeon Thomas of His Majesty's Ship Samarang dated 14th Inst.

The Governor in reply to their Letter, begs leave to inform them, that he has left Orders with the Superin'd't of Police to Summon the Officers of the Samarang, Charged with having Committed a Breach of the Peace Some time since at Sydney, before a Bench of Magistrates to Answer to the Charges preferred against them, and by which Tribunal Strict and impartial Justice will be administer'd to them. On application to the Superin'd't of Police, he will inform the Officers of the Samarang implicated in the Breach of the Peace in Question of the Nature thereof.

Officers to be
summoned
before bench
of magistrates.

Windsor, 16th April, 1813.

[19] *Lieutenant Butcher to Governor Macquarie.*

His Majesty's Sloop Samarang,

Sir, Sydney Cove, New South Wales, 5th May, 1813.

The very unpleasant Circumstance which recently occurred respecting the depredations Committed on the premises of Thomas Clarkson, which Your Excellency has deemed proper to declare in Your Public Correspondence to be outrageous and illegal, and that I have been a principal concerned in it—had Your Excellency been fully convinced of that, of Course I should with the Other Officers accused been Summoned to appear with them—it therefore becomes me, as a duty I owe my own Character and reputation, to call upon Your Excellency to recall those Charges, which from the fullest Conviction You have found to be ungenerous, groundless and false.

Butcher's
demand for a
withdrawal of
charges.

Under those Circumstances I have only to request that as the whole proceedings must be laid before Vice Admiral Sir Samuel Hood and become a subject of public investigation, Your Excellency will be pleased to furnish me with an Official Document, stating my acquittal of the whole of the Charges, as it will be the means of doing away that apparent Odium which hangs over my Character as an Officer in His Majesty's Navy.

I have, &c.,

J. B. BUTCHER, 2nd Lieut.

1813.
3 Aug.

[20] *Governor Macquarie to Lieutenant Butcher.*

Butcher's
letter to be
submitted to
the admiralty.

GOVERNOR MACQUARIE has received the Letter addressed to him under this date by Lieut. Butcher of H.M. Ship Samarang, which being of a highly disrespectful nature, the Governor will not fail to Submit for the Consideration of the Lords Commissioners of the Admiralty, together with the whole of the Correspondence respecting the Breach of the Peace Committed by the Officers of the Samarang in the Town of Sydney in March last.

Copy of affidavit
to be given to
Butcher.

In Case Lieut. Butcher wishes to be put in possession of a Copy of the Affidavit on the Strength of which the Governor inserted Mr. Butcher's Name in his public Letter to Captain Case on this Subject, he will be furnished therewith on his making application for it to D. Wentworth, Esqr., Superin't of Police.

Reasons for
non-issue of
summons to
Butcher.

The reason of Lieut. Butcher's not being summoned by the Supt. of Police to appear before the Bench of Magistrates along with the other Officers of the Samarang, was, that neither Mr. Clarkson, nor the Constables, could swear to his person; tho' the former entertained a very Strong Suspicion that Lieut. Butcher was one of the Party that Committed the alledged Depredations on his Premises. It has since appeared, however, that his person was mistaken for that of *Lieut. Strover* of the same Ship, who has come forward, in a very handsome liberal manner, to acknowledge that *he* was one of the party alluded to.

Government House, Sydney, 5th May, 1813.

[21] *Mr. Garnham Blaxcell to Governor Macquarie.*

Sir,

Sydney, 29th July, 1813.

It is contrary to my wish or inclination to intrude upon Your Excellency's busy moments, but necessity Compels me to seek at your hands, that redress, which I cannot obtain thro' any other Channel.

Injuries
sustained by
Blaxcell.

Without any allusion to the injury I have sustained by Captain Case withholding from me the Amount of my demand upon the Samarang, or to his unjustifiable Conduct in forcibly taking from my Yard two Carpenters who were building Whale Boats for the Fishery (and which Men he still retains) I have now to Complain of his having this Morning sent an Officer and Boat's Crew alongside the Brig, Governor Macquarie, and demanded my Launch for the Use of his Vessel. Upon the Master informing the Officer that the Boat was wanted for the purpose of taking from the Shore the Necessary Provisions for the Voyage, He said his orders were to take her by force, which he accordingly did, to my very serious injury and detriment.

Seizure of a
launch by
Case's orders.

I therefore respectfully hope Your Excellency will interpose Your Authority, And, as His Majesty's representative, afford me protection and Support, as I find all my exertions in Colonial pursuits are rendered totally abortive thro' the measures resorted to by Captain Case.

1813.
3 Aug.

Blaxcell's
appeal for
protection.

I have, &c.,

G. BLAXCELL.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 22, per transport Wanstead; acknowledged by Governor Macquarie, 19th January, 1814.)

Sir,

Downing Street, 5 August, 1813.

5 Aug.

On the arrival of The Earl Spencer you will have received the orders of H.R.H. The Comr. in Chief for the removal of the 73rd Regt. to Ceylon; and the Ships, General Hewitt and Windham, will sail shortly with the 46th Regt. to relieve them.

Relief of
73rd regiment.

These Ships being chartered at a great Expence, it is very desirable that they should be detained at Port Jackson as short a time as possible, and you will make every Exertion to have the 73rd ready to embark on their Arrival. But as the withdrawing of the Detachments at the out Settlements will necessarily take up some time, I avail myself of the departure of a Vessel, which will leave this Country before the Transports, to suggest to you the Measure of relieving those Detachments by means of the Invalid Company: If this can be done, the 73rd will be collected at Head Quarters and ready for Embarkation on the Arrival of the Ships destined to convey it to Ceylon. If no Accident has befallen the Colonial Brig Kangaroo, which is now on her Voyage, this Vessel will be of great use to you in removing the Detachments of the 73rd which are at Van Dieman's Land.

Preparations
to be made
to embark
the regiment.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport Wanstead; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir,

Downing Street, 6 August, 1813.

6 Aug.

I am directed by Lord Bathurst to transmit to you the Copy of a Memorial addressed to his Lordship by Mr. Harris, formerly Surgeon of the 102d foot, who is about to return to his Property in New So. Wales, having availed himself of the Medical Regulations which permit officers after a certain period of Service to retire upon full Pay.

Memorial of
John Harris.

As it appears that this Gentleman accepted of the Office of a Magistrate in the Colony after the Arrest of Governor Bligh, and that he has already received a Grant of 750 Acres of Land

1813.
6 Aug.

during the Administration of Gov. King, Lord Bathurst has not given him any Expectation of further Grants, but has merely acquainted Mr. Harris that his Memorial would be transmitted for your Consideration.

Claims of
Harris left to
discretion of
Macquarie.

His Lordship forbears to express any opinion as to the Propriety of giving him any further Grant of Land or any other usual Encouragement as a Settler, since he has some doubts whether the Share, which Mr. Harris took in the transactions of the year 1808, may not have been such as entirely to preclude him from any further participation in the favours of Government to which his long Services would seem in other respects to give him some Claim.

Of this as well as of other Circumstances stated by Mr. Harris in his Memorial you will be enabled from your residence on the Spot to form a correct Judgement, and to act accordingly upon the Prayer of his Memorial. I have, &c.,

HENRY GOULBURN.

[Enclosure.]

Memorial of
John Harris.

THE MEMORIAL OF JOHN HARRIS, LATE SURGEON OF THE 102D FOOT. To the Right Honorable Earl Bathurst His Majesty's Secretary of State for the War and Colonies &c. &c.

Most respectfully sheweth,

That your Lordship's Memorialist, after a Service of Twenty Two Years, as Assistant Surgeon and Surgeon of the 102d Foot, is permitted in consideration thereof to retire from His Majesty's service on the Military Allowance by law established.

And that he has a respectable, if not an affluent property, in New South Wales, consisting of different parcels of Land which he purchased from time to time (except a Farm of Seven Hundred and Fifty Acres given him by Governor King); large Herds of Cattle of different descriptions, But particularly one of Spotted Deer (the only one in the Colony) the number of which Memorialist believes to be about Four Hundred; and which your Lordship's Memorialist procured at a great expence and risque from India. The whole of which, however, have been let loose on the Colony, by the breaking down of Memorialist's Fences since his absence from New South Wales, an event which cannot fail, Ultimately, to benefit the settlement as much as it will, in the first instance, injure and disappoint your Lordship's Memorialist. That during your Memorialist's residence in the said Colony, He successively fill'd the situations of Naval Officer and Harbour Master of Port Jackson much to the satisfaction (he flatters himself) of the different Governors, Merchants, and others.

Your Lordship's Memorialist executed that very Arduous and Unpleasant situation of Magistrate of Police for upwards of Ten years prior to his return to this Country. That in consequence of Memorialist's advanced period of life, after a service of *Thirty Two Years* in His Majesty's service, having been Ten Years in the Royal Navy in India, previous to his being placed in the 102d Foot, and a residence during the whole of that period in a Tropical Climate, He finds his health endangered even by a Sojourn in England.

1813.
6 Aug.

Memorial of
John Harris.

And having procured your Lordship's, The Commander in Chief's, and Secretary at War's permission to return to New South Wales (where he will probably end his days) He most humbly Prays that your Lordship will be pleased to enquire his Character, as an Officer—a Gentleman, and a deserving Citizen—of any or all of those Gentlemen who have acted as Governors of the Colony, or of any other persons of respectability who have resided therein, And should it appear from that information that Memorialist's conduct has been such as your Lordship approves,

He then solicits your Lordship's permission to proceed to New South Wales in the Character of a *Free Settler* and to be indulged by such Grants of Land, as your Lordship, in your protecting Wisdom and liberality, may deem him worthy of.

JOHN HARRIS.

No. 26 King Street, Covent Garden, July 9th, 1813.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport Wanstead; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir,

Downing Street, 7th Aug., 1813.

7 Aug.

I am directed by Lord Bathurst to acquaint you that the following Persons, Wives of Convicts, have been permitted to follow their Husbands to New South Wales, and that they will embark in the Ship Genl. Hewitt, viz. Mrs. Gardiner, Mrs. Rogers, Mrs. Wheeler.

Permission
for wives to
follow convict
husbands.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 7 of 1813," per whaler Phoenix.)

My Lord, Sydney, New South Wales, 7th August, 1813.

1. Since My Dispatch per Ship Minstrel, under daté the 28th June last (a Duplicate of which I have the Honor to transmit Your Lordship herewith) No Occurrence of a public Nature

* Note 1.

1813. 7 Aug.	has taken place here, of sufficient Importance to render it the Subject of a Communication to Your Lordship; and I am happy to add that the Colony Continues in a perfect State of Peace and Tranquility.
Problem of the grain supply.	2. Altho' our last Harvest produced a Redundance of Grain, more than sufficient for a Year's Subsistence of double the present Population, if well husbanded, Yet owing to the lazy Negligence of the lower orders of the Settlers, and their Inexcusable and profuse Waste of Grain, in their feeding not only their Horses and Cows with it but also their Pigs and Dogs; there is now a great Scarcity Induced, and I am Concerned to add that the Quantity in the Country will with great Difficulty subsist the Inhabitants until the next Harvest.
Reports to be made by district magistrates.	3. In Consequence of the Apprehensions entertained of an actual Famine being the Result of this Profusion and Waste, I have lately Called on the District Magistrates to make me accurate Reports (from personal Survey) of the Quantity of Grain now to be reckoned on in the Country at large; and on these Reports I have adopted Such Measures as will effectually Secure a Sufficiency for the Victualling of those Persons who are dependent on the Crown for their Subsistence. I further mean to adopt and publish such Regulations and Orders as I trust will guard against the Calamity of a Famine in the Colony, which Can only be effected by restraining a further Waste, and at the same time reducing the Standard of the Bread both in Weight and Quality.
Precautionary measures against famine.	4. It is here worthy of Your Lordship's Notice to observe that whilst at <i>this</i> time apprehensions are entertained of a Famine the last Harvest was so remarkably bountiful that I found myself enabled to reduce the Price of Wheat, taken into the King's Stores, from ten to Eight Shillings Sterling per Bushel. The Government Stores Not being, however, Equal to the Reception of the Quantities tendered by the Settlers at that price and there being no Other Market for it to be disposed of at, have Induced them to become Indifferent about it and even to Waste it in the most shameful Manner.
Reduction in the price of wheat.	5. This Want of a ready Market is Certainly a very serious Check to the Industry of the Farmers, and is in My Consideration one of the Strongest Inducements to the immediate Establishment of a Distillery on a large Scale, which I have already Recommended to Your Lordship's Consideration.
Want of a ready market.	6. Several Officers in the Civil Departments of the Service of this Colony and particularly those at the subordinate Settlements being still in the habit of trafficking in various Articles of Merchandize, like Ordinary Traders, Notwithstanding every
Trading carried on by officials.	

Injunction to the Contrary, I have to request that Your Lordship will Honor me with particular Instructions how I shall Act towards Such Officers as may be detected in these Practices so evidently Clashing with their public Duty. And I beg Leave to Solicit Your Lordship to transmit Me an Absolute Order, prohibiting Civil Officers from being Concerned in Trade directly or indirectly or from Acting as Agents or Attornies for Persons either in, or absent from the Colony.

1813.
7 Aug.

Instructions
required by
Macquarie.

7. I do myself the Honor to transmit herewith for Your Lordship's Notice and Information the following Accounts and Returns Vizt.

Accounts
transmitted.

First. The Account Current of the Expences of the Colony for the Quarter ending 24th June, 1813.

Second. The Account Current of the Military Expences from the 25th December 1812 to the 24th July 1813.

Third. The Reports of Duties Collected by the Naval Officer from 1st of April to the 30th June 1813.

And Fourth. The Account of the Police Fund for the Quarter ending the 30th of June 1813.

I have, &c.,

L. MACQUARIE.

[Enclosures Nos. 1, 2, 3, and 4.]

[Copies of these accounts will be found in a volume in series II.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per transport Windham; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

Sir, Downing Street, 8th August, 1813.

8 Aug.

I have the directions of Earl Bathurst to transmit to you herewith the Copy of a Letter from Mr. Beckett the Under Secretary of State for the Home Department, dated the 6th Instant, together with the List and Assignment therein inclosed in original of One hundred and Nineteen (119) Female Convicts embarked on board the Ship "Wanstead" now under Dispatch for New South Wales.

Assignment
of convicts on
the transport
Wanstead.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 6th August, 1813.

I am directed by Lord Sidmouth to transmit to you the within Assignment of 119 Female Convicts, which have embarked on the Ship Wanstead in order to their being conveyed to

1813.
8 Aug.

New South Wales pursuant to their respective Sentences, and I am to desire that you will lay the same before Lord Bathurst, and move His Lordship to be Pleased to forward the same to the Governor of that Colony.

I am, &c.,

J. BECKETT,

[Sub-enclosure.]

[A copy of the assignment of convicts is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per transport Windham; acknowledged by Governor Macquarie, 28th April, 1814.)

9 Aug.

Sir,

Downing Street, 9th August, 1813.

Frauds
committed in
registration of
prize vessels.

I transmit to you herewith the Copy of a Letter from the Secretary of the Treasury upon the subject of Frauds, which are stated to have been practised by the Substitution of Vessels, not condemned in lieu of such as have been regularly Condemned in the Vice Admiralty Courts abroad, whereby such first mentioned Vessels obtain British Registers. And I am to desire that you will, as far as may depend on you, take the necessary Steps for establishing the additional Checks mentioned in Mr. Harrison's Letter.

I have, &c.,

BATHURST.

[Enclosure.]

SECRETARY HARRISON TO UNDER SECRETARY GOULBURN.

Sir,

Treasury Chambers, 2d August, 1813.

Precautions
to be taken
against
fraudulent
registration
of ships.

I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you for the information of Lord Bathurst, that many Frauds have been practised by the substitution of Vessels, not condemned, in lieu of such as have been regularly condemned in the Vice Admiralty Courts abroad, whereby such first mentioned Vessels obtain British Registers to which they have no right. My Lords are desirous that additional Checks should be obtained in the said Courts with a view to secure the identity of the Vessels applying for British Registers on the Ground of their being condemned Prizes; and under that impression, I am to acquaint you that My Lords desire you will move Lord Bathurst to give special Injunctions to the Judges in the several Places abroad, where Vice Admiralty Courts are established, that the Surveying Officers do not fill up Certificates without resorting to the Evidence in the Registry or to other satisfactory means of ascertaining the Identity of the

Vessels in question, and also that the Tonnage and the general Description of the Vessel shall henceforth be inserted in the Copy of the Condemnation, as it is issued from the Registry.

1813.
9 Aug.

I am, &c.,

GEO. HARRISON.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 8 of 1813," per whaler *Phoenix*.)

My Lord, Sydney, N. S. Wales, 14 Aug., 1813.

14 Aug.

It is with much reluctance I address you on a Subject so repugnant to my own feelings as that of preferring a Complaint against an Officer in His Majesty's Service, but as the Administration of my Government has been for some time past much insulted, the Commerce of the Colony violently obstructed, and the personal freedom of H.M.'s Subjects in this Territory most tyrannically trampled upon by Capt. Case, Commanding His Majesty's Sloop of War, *Samarang*, I should be Guilty of Injustice to the Honor of H.M.'s Service and to myself were I not to bring that Gentleman's Conduct fully in review before your Lordship.

Reluctance in
reporting Case's
misconduct.

In order to make your Lordship acquainted with the Line of Conduct pursued by Captain Case since his Arrival in Sydney Cove in November last, I do myself the honor to enclose herewith for your Lordship's perusal, a Letter under a flying Seal† which I have found myself under the painful necessity of addressing to the Secretary of the Board of Admiralty to be by him submitted to the Lords Commissioners of that Board, complaining of the insulting, arbitrary, and oppressive measures pursued by Captain Case. When Your Lordship shall have perused that letter and accompanying Documents, I request Your Lordship will give directions for their being forwarded to the Secretary of the Lords of the Admiralty for the purpose of being laid before their Lordships. That Letter and the Documents accompanying it will give Your Lordship an Outline of Capt. Case's Conduct to that Date. I have now to inform your Lordship that Captain Case has been since Guilty of a most flagrant insult to my Authority and of oppression to the Shipping and Commercial Interests of this Port, which I shall briefly relate.

Report
transmitted to
the admiralty.

On Sunday last the 8th Inst., a Colonial Vessel called the *Governor Macquarie* belonging to Mr. Garnham Blaxcell, a Merchant of Sydney, after having been regularly cleared out by my Authority to proceed on a Voyage to Otaheite, was repeatedly fired at by the orders of Capt. Case, and finally when under weigh was seized and detained by an Officer and Party

Seizure of the
Governor
Macquarie by
Case's orders.

* Note 1. † Note 10.

1813.
14 Aug. of armed Men from the Samarang and is at this present time lying at anchor in Sydney Cove. The Circumstances of this occurrence are fully detailed in the Accompanying Affidavit made by the Assistant Naval Officer, who was on board this Vessel in the Execution of his Duty when Captain Case sent one of his Lieutenants with an armed Boat to seize her. On the Spur of the Occasion (tho' it was Sunday) I addressed a Letter to Captain Case, a Copy of which, with the Copies of his answer and my Reply I enclose herewith for your Lordship's Consideration. The Letter of Captain Case renders it evident that He means to control the Commerce of this Settlement as his Caprice may dictate to him, and by thus Assuming a Paramount Authority to me to oppress the Merchants and bring disrespect on my Government.
- Correspondence with Case.
- Case's attempt to control commerce.
- Seamen of Governor Macquarie impressed by Case.
- Request for inquiry into Case's conduct.
- Impress service to be prohibited in the colony.
- The little Vessel, Governor Macquarie, was only Manned by ten British Sailors and some two or three Otaheitans who were embracing that opportunity to return to their native Country. Out of these ten Captain Case has impressed Six Men including One of the Mates.
- These Proceedings which might well warrant much more forcible measures than any I have yet resorted to towards Captain Case, were I not anxious to avoid that kind of rupture as long as possible, lead me to Solicit Your Lordship to recommend to the Lords of the Admiralty to call Captain Case to a Public Account* for his tyrannical and oppressive Conduct to Individuals and his insolent opposition to my Government.
- Permit me also to found thereon a further request that Your Lordship will move the Lords Commissioners of the Admiralty to give express instructions to the Commanders of such Ships of War as may hereafter occasionally touch here not to interfere with the Trade of the Colony, nor to impress Men either afloat or on shore. When it is considered that the great Mass of the Population is made up of *Convicts*, and that the impressing of such men is at direct variance with the Object of their transportation, I trust Your Lordship will see the propriety of restraining the Impress Service being resorted to in New South Wales.
- I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

DEPOSITION OF ROBERT CAMPBELL.

Deposition of
Campbell *re*
seizure of the
Governor
Macquarie.

New South Wales.

The Information of Robert Campbell of Sydney, Gentleman, taken upon Oath this Eighth day of August in the Year of Our Lord 1813, before me, Ellis Bent, Esquire, Judge Advocate

* Note 11.

and one of His Majesty's Justices Assigned to keep the Peace within the Territory of New South Wales.

1813.
14 Aug.

Deposition of
Campbell *re*
seizure of the
Governor
Macquarie.

Who, being first duly Sworn, Saith that this Morning about ten O'Clock he, this Informant being Assistant Naval Officer of this Territory, according to his duty in that behalf went on board the Brig Governor Macquarie, a Vessel belonging to the Port of Sydney then lying in Sydney Cove, for the purpose of Clearing out the Said Vessel. That pursuant to his Orders, the Said Vessel was Shortly after got under Weigh; And this Informant Saith that, afterwards and while this Informant, in further pursuance of his Duty, was mustering the Crew of the Said Vessel, he, this Informant, heard the report of two Musquets, And that while this Informant was Asking, who fired off the Said Musquets, he, this Informant, saw a person, in the Uniform of a Marine Standing on Shore upon the Middle Wharf, belonging to Messrs. Campbell and Co. at Sydney, in the Act of presenting his Musquet in the direction of the Said Vessel, and Actually fire Off the Same; And this Informant Saith that he, this Informant, Saw the ball fired from the Said Musquet pass through the Main Top Gallant Sail of the Said Vessel within One Yard of a Seaman, belonging to the Said Vessel then doing duty aloft; And this Informant further Saith that he, this Informant, hereupon directed one Robert Watson, one of the Pilots belonging to the Harbour of Port Jackson then on board the Said Vessel for the purpose of piloting her out of the Said Harbour, to heave the Said Vessel too, as soon as he could do so with Safety to the Said Vessel. That the said Robert Watson, Pilot, Accordingly hove the said Vessel too, and, Whilst he was so doing, Several Shots were fired from His Majesty's Sloop, the Samarang, as this informant is informed and verily believes. And the Deponent further Saith that Afterwards in about Ten minutes Lieutenant Butcher, A Midshipman, and Six Seamen, all belonging as this Informant Verily believes to His Majesty's Sloop Samarang, then and now lying in Sydney Cove, Whereof William Case, Esquire, is Commander, as this Informant is informed and believes, Came Armed on board the Said Brig Governor Macquarie; And this Informant further Saith that the Said Lieutenant Butcher said it was his Orders to detain the Said Brig, and to Send the Master of the Said Brig to Captain Case with his papers. And this Informant Saith that he told the Said Robert Watson to Anchor the Said Vessel; And this Informant saith that Robert Stewart Walker, the Master of the Said Brig, then replied that he had not any papers except the Register of the Said Brig, and that he could

1813.
14 Aug.

Deposition of
Campbell *re*
seizure of the
Governor
Macquarie.

not take it out of his Vessel; that thereupon much Argument took place between the said Robert Stewart Walker, the Said Lieutenant Butcher, and Mr. Garnham Blaxcell, the Owner of the said Brig; during which, the Said Garnham Blaxcell asked this Informant whether he, this Informant, had any Authority to Stop the Said Brig, whereto this Informant Answered that he had no Such Authority but that he, this Informant, was authorized to Clear out the Said Vessel or Words to that Effect. And this Informant further Saith that hereupon the Said Garnham Blaxcell and Robert Stewart Walker desired the Said Robert Watson to get the Said Brig under Weigh Again. And this Informant Saith that the Said Lieutenant Butcher prevented the Said Robert Watson from so doing, And Ordered One of the Said Six Seamen, belonging to the Samarang, to take the Helm of the said Brig, which was Accordingly done by one of the Said Seamen; the Said Lieutenant Butcher at the same time ordering the Said Robert Watson to bring the Said Brig to an Anchor, which the said Robert Watson immediately did. And this Informant Saith that hereupon he left the Said Brig; and, as he was returning to Sydney, he, this Informant, met three Boats, Manned with Officers and Seamen, all Armed with Muskets and Cutlasses, and belonging, as this Informant verily believes, to His Majesty's Said Sloop the Samarang; and that this Informant was asked by a person, Whom he believes to be the Carpenter, belonging to the Samarang aforesaid then in one of the Boats, if this Informant had with him the Master of the Said Brig Governor Macquarie; That this Informant replied that he had not. And this Informant further Saith that the Said Lieutenant Butcher, while he was on board the said Brig, Said, in this Informant's presence and hearing, that he was Acting by the Orders of the Said William Case, and that if he did not obey these Orders he should probably lose his Commission, or Words to that Effect. And this Informant further Saith that the Said Brig hath been since brought up by three Boats, Manned by Men belonging to the Samarang, and is now Anchored Close to the Samarang. And this Informant further Saith that he hath been informed, and verily believes, that two of the Shots, so fired from the Said Sloop the Samarang, as aforesaid, Struck the Hull of the Said Brig, the Governor Macquarie.

R. CAMPBELL, Ass. Naval Officer.

Sworn at Sydney on the day and Year Aforesaid before me,

ELLIS BENT, Judge-Adv.

[Enclosure No. 2.]

1813.
14 Aug.

GOVERNOR MACQUARIE TO CAPTAIN CASE.

Head Quarters, Sydney, Sunday,

8th Aug., 1813, 4 OC. P.M.

Sir,

A representation having just been made to me, by Mr. Robert Campbell, the Assistant Naval Officer, that whilst in the execution of his Duty this Morning on board the Colonial Brig "*Governor Macquarie*," then under weigh in the Harbour, proceeding on her intended Voyage to Otaheite agreeably to a regular Clearance, Several Shots were fired at her by a Marine or Marines belonging to His Majesty's Sloop of War Samarang under your Command, who were Stationed on a Wharf belonging to the premises of Messrs. Campbell and Co., and that one of those Shots passed thro' the rigging, close by a Sailor. Mr. Campbell has further represented that a Lieutenant, a Midshipman, and several Sailors belonging to H.M.S. Samarang afterwards boarded and took possession of said Colonial Vessel stating that they acted therein by Your authority.

Seizure of the
Governor
Macquarie
reported by
Campbell.

The consequence has been, as I am informed, that the Master of this Merchant Vessel has abandoned her to the Charge of the Lieutenant of the Samarang, who commanded the boarding party, and has come on Shore, leaving his Vessel in possession of that Officer.

As it is my indispensable duty to protect, not only the Lives of His Majesty's Subjects under this Government, when exposed to such imminent risk as that now described, but also to secure the Shipping and Commercial Interests of the Colony from unnecessary obstructions and unwarrantable control, I must request your Co-operation to that effect, and that you will make me a written Report of all the Circumstances of this Case, so far as they may have come to your knowledge; for, I am unwilling to suppose that they arose from Your Instructions. I have further to request that you will give the necessary orders for the Marine or Marines, who fired into the Brig Governor Macquarie, to be immediately surrendered to the Civil Authority to answer for the temerity of their Conduct.

Case to submit
a report.

Marines to be
surrendered to
civil power.

I trust, Sir, that your sense of Duty will dictate to you, what it is incumbent on you to do in the investigation of this affair; and should these proceedings have taken place without your Authority, as I have presumed, that you will surrender all those concerned in it to the process of the Law.

I have, &c.,

L. MACQUARIE,

Govr. in Chief of N. S. Wales.

1813.
14 Aug.

[Enclosure No. 3.]

CAPTAIN CASE TO GOVERNOR MACQUARIE.

Sir, His Majesty's Sloop Samarang,
Sydney Cove, Port Jackson, 9th August, 1813.

Case's assertion
of his powers.

In reply to yours of yesterday's date, I beg leave to inform Your Excellency that it is not consistent with the Commission I have the honor to bear in His Majesty's Navy to suffer any infringement on its discipline, as I have acted by the sole authority of my Instructions, which has once before been pointed out to Your Excellency.

Repudiation of
Macquarie's
control over
ships of navy.

Your Excellency must be well aware that you cannot have any Command over any of His Majesty's Ship's, as on the high Seas I have full Authority, as that power is vested in me, being the Senior Naval Officer in New South Wales; therefore I am responsible to the Admiralty and Ministers of State and to them only for my Conduct.

Alleged delays
in repairing
the Samarang.

I have therefore to request you will be pleased to forward all your Complaints to the Admiralty and Ministers of State, as that will give me an opportunity of defending my Conduct as also the Officers of the Ship and likewise how His Majesty's Service has been delayed, and injured by it, by being thwarted in all my undertakings since I commenced repairing the Ship, and even at this moment the Carpenters are prevented from coming to the Ship by Mr. Cossar, the reason of which I believe is in consequence of my ordering him to be Checked on the Ship's Books, which is that he cannot have any Provisions from His Majesty's Sloop under my Command, as he does not regularly attend himself, but the rest of them are Victualled for their Extra labour under the direction of the Carpenter of the Samarang.

I shall feel pleasure in affording every Assistance to the Commercial interests of the Colony in protecting the Trade, and supporting due Order in the Harbour so far as my instructions admit of.

Reasons for
firing on the
Governor
Macquarie.

The Governor Macquarie belonging to this Colony got under Weigh with the intention of leaving the Harbour, passed the Samarang's Bows without any Colours flying or reporting to me her leaving the same; there were several Musquets fired from the Ship in order to bring her too, and She was likewise hailed by the Fortune and told the Samarang was firing at her to bring her too; the which She refused and made Sail, until She was out of the reach of Shot, and then She showed her Colours but had the Breeze continued she would have got out in spite of my exertions, and beg leave to say that in consequence of there being a quantity of Stores belonging to the Samarang at

Messrs. Campbell's Wharf, a Sentry is placed over them and he did no more than his duty in endeavouring to bring the Ship too, by firing after the Samarang's firing so many Shot.

1813.
14 Aug.

I am equally surprized that the Battery on Dawes's Point did not fire on the Governor Macquarie to aid and assist in bringing her too, and particularly in not having her Colours flying.

I have once before written to Your Excellency of the Ten Men belonging to the Samarang who have absented themselves without leave; Lieutenant Butcher was sent by my Orders to bring her too and search her, and to send the Master to me with the Papers of the Ship, both of which he refused, and said he had no Papers belonging to the Ship, and immediately left the Vessel with Mr. G. Blaxcell; when the above Report was made to me, I ordered the Brig to be brought up and Anchored in Safety, and no person to leave her without my Orders.

The Governor
Macquarie
searched for
deserters.

It is my indispensable duty to protect as far as lays in my power the British Flag as also those laws and regulations by which it is governed, and Your Excellency must be well aware, that by the Governor McQuarie treating that Flag with disrespect and Contempt the Master of whom becomes subject to a very heavy Penalty, as also the Pilot and Naval Officer have committed themselves, and run the same risk in not bringing the Vessel too after the first Shot was fired; it was observed particularly by the Honourable Company's Ship Fortune, and I request Your Excellency will enquire into the Affair from that Ship respecting it, and to give directions that the whole may be laid before the Ministers of State as also the Lords of the Admiralty. Captain Jefferies of the Archduke Charles was an eye-witness, and as a representative of His Majesty in this Harbour, on the high Seas, I am surprized Your Excellency could even ask to have those Men delivered up to the Civil Power for doing their duty, and it is my determination while I remain in this Harbour to support harmony and subordination, as I have always endeavoured in every instance, and rest assured from a Sense of Public Duty, I shall Co-operate with all Your Excellency's Measures so far as my situation will allow.

Alleged
misconduct
of the master
and pilot on
the Governor
Macquarie.

I am firmly of opinion that the Men mentioned to you in a former Letter are now at Georges River waiting an Opportunity to make their Escape from Botany Bay. I have to request Your Excellency will give strict orders to the Guard on the Heads not to suffer any Person to embark on board of any Vessel when outside.

Suggested
orders to
prevent escapes
at sea.

I beg leave to enclose for Your Excellency's Inspection a true Copy of my Orders given to Lieutenant Butcher yesterday,

1813.
14 Aug.

and also the description of another Person who has absented himself from His Majesty's Sloop under my Command.

I further beg leave to mention that since this letter has been written, the Carpenters from the Dock Yard are come on board the Samarang.

It is with sincere Regret I have to observe, we still differ in point of Public Duty.

I have, &c.,

WM. CASE, Captain.

[Sub-enclosure.]

CAPTAIN CASE'S ORDERS TO LIEUTENANT BUTCHER.

Sir,

Case's orders for
the detention of
the brig
Governor
Macquarie.

The Governor Macquarie (Brig) having sailed without paying that respect which is due to His Majesty's Ships and Vessels, and the Master of her having refused to come on board or deliver his Papers up to the Officer for my Inspection, who was sent for that purpose, and having every reason to believe that She has Deserters from His Majesty's Ship under my Command on board,

You are hereby required and directed to Order the Master of the said Vessel to return to her former Anchorage, and not suffer any of the People to leave the Brig without my farther Orders.

Given under my Hand on board His Majesty's Sloop Samarang, this 8th August, 1813,

WM. CASE, Captain.

To Lieutenant Butcher, His Majesty's Sloop Samarang.

[Enclosure No. 4.]

GOVERNOR MACQUARIE TO CAPTAIN CASE.

Sir,

Government house, Sydney, 11th Augt., 1813.

I have to acknowledge the receipt of your Letter dated the 9th Inst. with the papers referred to therein.

Macquarie's
regrets at
Case's actions.

It is with great regret that I have now to observe, that instead of promoting His Majesty's Service by speedy Compliance with the requests contained in my letter of the 8th Inst., arising out of the Circumstance of the Colonial Brig, Governor Macquarie, having been fired into and taken possession of by some of the Officers Seamen and Marines of His Majesty's Sloop of War Samarang under your Command, You attempt to justify the injuries Complained of, and even avow them to have been Committed by your own direct Authority.

You may rest assured, Sir, I am not so unacquainted with my own duty and authority as to attempt the assumption of a

Command over any of H.M. Ships on the High Seas, or even in Harbours: but I shall maintain that I am bound by my duty to endeavour to prevent such Ships injuring or interrupting the Commerce of this Port and Territory, and to protect the property and Lives of H.M. Subjects under my Government, from such violent and wanton abuse of Power, as that now alluded to.

1813.
14 Aug.

Macquarie
determined
to protect
colonial
commerce.

Whilst you are so tenacious of your power and privileges *afloat*, it becomes equally incumbent on me to assert and maintain My Authority and privileges on Shore, which you have in various instances presumed to insult and usurp. Such, for instance has been Your Conduct in the impressing free Inhabitants on Shore without having obtained any Sanction from Me, whilst it is well known that the Law requires such Authority to be first obtained in all British Settlements. I am further to observe that Your having a Guard of Marines on Shore without my authority is highly irregular and improper, And I now direct you to withdraw the said Guard as soon as possible. Any improper Act which it may, after this intimation, commit on Shore will be punished as the Civil or Military Law prescribes on Shore.

Irregularity of
Case's conduct.

The advice, you have favoured me with, to make my Complaints to the Lords Commissioners of the Admiralty and to His Majesty's Ministers, I shall certainly be ruled by, and lay before those Authorities a full Statement of Your Conduct since your first arrival in this Harbour, and I doubt not that their Lordships the Commissioners of the Admiralty will deem it expedient to call you publicly to account for your insulting Conduct to this Government and for the arbitrary measures you have pursued in the interruption and injury of the Trade and Commerce of this Port, and of the general tranquillity and Peace of the Settlement.

Reports to be
submitted to
authorities in
England.

Mr. Blaxcell, the Owner of the Colonial Brig Governor Macquarie, will of course have *his* remedy at Law for your illegal seizure and detention of that Vessel, which will, no doubt, be ample in proportion to the injury he has sustained.

Blaxcell's
recourse at law.

In Your letter of the 9th Inst., now under review, you insinuate that H.M. Service has been delayed and injured in respect to the repairs of the Samarang Sloop of War. If, Sir, you mean to impute such delay and injury to this Government, the Accusation is as unjust as it is illiberal. You must be conscious that every assistance has been afforded you in Stores and Workmen, that the resources of this Government could supply, unless you expected that an entire Stop should have been put to

Illiberal
imputations
made by Case.

1813.
14 Aug.

the Government Public Works If such were your expectations they were unreasonable, for I cannot One Moment consider their progress of less importance than the repair of an Old, decayed Sloop of War, which had been several Months ago Condemned as unfit for H.M. Service, and by your own Authority.

Precautions
against
desertions from
the Samarang.

Orders are issued to the Store Keeper to deliver you the Powder belonging to the Samarang whenever you may chuse to send for it; and the necessary instructions have been given to the Police Department for the apprehension of the Deserters from that Vessel, wherever they may be found. The description of the Deserter, enclosed in your letter of the 9th Inst. is also sent to the Police Department. The Guards at the Out-Posts having standing Orders to prevent the embarkation of persons of any description whatever, at Botany Bay or at any other part of the Colony without My permission, there need be little apprehension of the Deserters from the Samarang effecting their escape by those Means.

I have, &c.,

L. MACQUARIE,
Govr. in Chief of N. South Wales.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per transport Windham; acknowledged by Governor Macquarie to Earl Bathurst, 28th April, 1814.)

16 Aug.

Defeat of the
French under
Marshal Soult.

Sir, Downing Street, 16th August, 1813.

I have Lord Bathurst's directions to transmit to you a *Gazette* Extraordinary, Published this day, containing an Account of a Victory obtained over the French Army, Commanded by Marshal Soult, by the Combined British, Portuguese and Spanish Troops under the Command of Field Marshal the Marquis of Wellington, near Pampluna, the Engagement having continued from the 25th July to the 2d of August.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 9 of 1813," per whaler Phœnix.)

My Lord, Sydney, N. S. Wales, 16th Augt., 1813.

Transmission
of *Sydney*
Gazettes.

I have herewith the honor to transmit for your Lordship's information and Notice, a Continuation of the Series of *Sydney Gazettes*, from 26th June (when last sent) to the 14th Instant Inclusive.

I have, &c.,

L. MACQUARIE.

* Note 1.

EARL BATHURST TO GOVERNOR MACQUARIE.

1813.
19 Aug.

(Despatch No. 23, per transport Windham; acknowledged by Governor Macquarie, 28th April, 1814.)

Sir, Downing Street, 19 August, 1813.

The Ships named in the Margin,* being now under Dispatch for New So. Wales, I avail myself of their departure to acquaint you that H.R.H. The Prince Regent has been pleased to appoint Lt. Col. Molle, of the 46th Regt. to be Lt. Govr. of the Colony, and I inclose a Copy of his Commission, for your information.

Appointment of Molle as lieutenant-governor.

The Store Ships "Mary" and "Clarkson" have arrived in the River from Port Jackson as well as several South Sea Whalers, but no Dispatches from the Colony by these Ships have reached this Department.

Arrival of the Mary and Clarkson in the Thames.

A Certificate with your Signature has been presented to the Colonial Agent for the purpose of obtaining payment of Salary, as Acting Provost Marshal of the Colony, in favour of Mr. G. T. Palmer, for the period from the 7 May, 1810, to 7th Novr., 1811, during the absence of Mr. Gore. But as Mr. Gore received the full Salary of the office, he having come over as a Witness for the Crown on the Court Martial which tried Lt. Col. Johnstone, there is no fund here out of which any Remuneration can be made to Mr. Palmer. If that Gentleman however has executed the duties of Provost Marshal without receiving any of the Fees, or any Emolument whatever, it is but reasonable that he should be paid for his Services: And I am therefore to desire that if you shall find, on Enquiry in the Colony, that Mr. Palmer has drawn no Emoluments from the office, nor received any fees attached to the appointment, a Sum equal to one Moiety of the Provost Marshal's Salary should be paid to him out of the Colonial Funds for the period during which he continued to perform the duty.

Payment of salary to acting provost marshal.

I have, &c.,

BATHURST.

[Enclosure.]

COMMISSION OF LIEUTENANT-GOVERNOR MOLLE.

Commission of lieutenant-governor Molle.

In the Name and On the Behalf of His Majesty, George, P.R. GEORGE The Third, by the Grace of God of The United Kingdom of Great Britain and Ireland King, Defender of the Faith, To Our Trusty and Well beloved Lt. Col. George Molle Greeting; We, reposing special Trust and Confidence in your Loyalty, Integrity and Ability, do by these Presents constitute and appoint you to be Lieutenant Governor of Our Territory called New South Wales and its Dependencies, To have, hold, Exercise, and Enjoy the said Place and office during Our Will and

* Windham; Genl. Hewitt; Three Bees; Catharine; Wanstead.

1813.
19 Aug.
Commission of
Lieutenant-
governor Molle.

Pleasure, With all rights, Privileges, Profits, Perquisites, and Advantages to the same belonging or appertaining; And farther in Case of the death or the absence of Our Captain General and Governor in Chief of Our said Territory called New South Wales for the time being, We do hereby authorize and require you to Exercise and perform all and singular the Powers and directions contained in Our Commission to Our Captain General and Governor in Chief of Our said Territory, according to such Instructions as he hath already received from Us, and to such further Orders and Instructions as he or you shall hereafter receive from Us, And we do hereby Command all and Singular Our officers Ministers and loving subjects in our said Territory And all others whom it may concern to take due Notice hereof and give their ready obedience accordingly. Given at Our Court at Carlton House, the Twentieth day of June, 1813, In the Fifty Third Year of Our Reign,

By the Command of His Royal Highness The Prince Regent,
In the Name and on Behalf of His Majesty.

(Countersigned) BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked "Separate and Secret," per transport Windham; acknowledged by Governor Macquarie, 30th April, 1814.)

Sir,

Downing Street, 19th August, 1813.

Reported plan of
attack by the
French on the
colony.

I cannot close my Dispatches by the present Ships without communicating to you a Paper of information respecting a Plan said to be entertained by the Enemy of attacking the Settlements under your Government.

The Person who has given this information is a Dane named Jorgensen,* who has been much in the South Seas, and must be known at Port Jackson, having served as Master's Mate in "The Lady Nelson" under L't Grant, when that Vessel was employed in surveying part of the Coast of New Holland. It is believed that Jorgensen then went under the Name of Johnson or Jansen.

The doubtful Character of this Individual, the great improbability of the plan itself, and the still greater improbability of such a Person being minutely acquainted with its Details, supposing it to be in Agitation, have led H.M.'s Government to refuse any Credit to the information. They have nevertheless thought it proper to communicate it to you, in order that you may not be ignorant of any thing which may possibly affect the Welfare and Security of the Colony under your Charge.

I have, &c.,

BATHURST.

* Note 12.

[Enclosure.]

1813.
19 Aug.

INFORMATION RESPECTING A PLAN* FOR ATTACKING THE COLONY.

Report on
French plan
for attacking
the colony.

MR. J. JOYMEN, who gives the accomp'g information, adds that the fr. Troops will be under the orders of a Ct. Dillon, and Col. Degraieres, nephew of Gen. Lefebre who is now in America: Dillon he says came to England in disguise some time ago in the Weymouth, Store Ship:

He has also a Relation, who is soon going to france, and who is likewise aware of the Scheme and he proposes to write by him to france, to advise them that the Br. Govt. have got some Suspicions of the Expedition, and have Encreased the defence of the Colony, wh. he recommends also to be done.

He is ready to give any further infor'n if called on—lives at No. 26 Stower Str. Bedford Square—Is going to return to Denmark.

Previous to my making any mention of the Instructions given to the Commanders of several French Ships of War, now destined for an Expedition to the South-Seas, I shall say a few Words on the Causes which have induced the French government to turn their attention to a distant Quarter of the Globe.

The first person who contemplated or proposed the founding Settlements or Colonies on the Southern and Eastern Coasts of New-Holland must have been endowed with no common Share of Sagacity and foresight. The Situation of Port Jackson holds out vast and numerous advantages to its present possessors. Within a few Weeks Sail either of the East Indies or Peru, this Place may carry on an easy trade with either of those Countries, and in case of war prove of great detriment to the Spanish commerce between the Philipine Islands and America. The Distance from the Cape of Good Hope to any part of New South Wales may be run in a Month, and the navigation has lately been much shortened and facilitated by the Discovery of Basses' Straits. The Navigation between Port Jackson, Peru, and the Indies is easy and safe, and may generally be performed in fine Weather and smooth Water.

The English, by having possession of colonies in the South Seas, have obtained great advantages in point of the fisheries: The Coast of New Zealand abounds with Sperm Whale, and the Men, employed in this trade, are able to procure supplies of Naval Stores and fresh provisions from Port Jackson or Norfolk Island the want of which proved formerly of vast disadvantage to the South Sea Whalers; this year alone we know of more than thirty sail of Shipping which proceeded for the Coast of New Zealand and Peru, and other Banks of Note, in the Pacific

* Note 12.

1813.
19 Aug.

Report on
French plan
for attacking
the colony.

Ocean for the sole purpose of procuring Sperm. Independent of these, several have gone in Search of black and right Whale. A cargo of Sperm Oil may be estimated to be worth about 20,000 pounds: thus a clear gain will accrue to England of 600,000 pounds by this branch of trade. Again daily discoveries are making about the South Extremities of Van Dieman's land and New Zealand of Islands abounding in Seal, the Skins of which contain the most valuable and finest fur.

New South Wales produces all kinds of Excellent timber for Ship-Building, and the Pines of New Zealand and Norfolk Island afford the best Materials for Masts, Yards, Boats and Oars.

The innumerable fruitful Islands in the South Seas open a large field for Speculation, and the enterprising Navigator and Merchant will find ample Scope for exercising his Industry or his talents in seeking the various produce of the Countries bordering on the Pacific Ocean, and bringing them to a profitable Market. Othaheite produces Abundance of Sugar Cane, and other roots equally valuable. Tongataboo abounds in Pearl; and the great quantities of Sandle-Wood on many Islands will find a ready and easy Sale in China. I entertain no doubt that Copper Mines are to be found in New Zealand.

The distance between New South Wales and the North-West coast of America is certainly much shorter than the Distance from any part of Europe and the United States: the Inhabitants of New South Wales therefore have a decided superiority over all other traders in this branch of Commerce, more especially so on their near Situation to China.

Independent of all these vast commercial advantages, the fertility of the lands about the River Hawkesbury and other parts of New South Wales, cultivated by industrious Settlers, insure an easy Supply of Grain and other Provisions to the Inhabitants of the New Colonies.

From a Combination of such causes above enumerated, we may fairly presume that within a very few years, if no fatal accidents intervene, New South Wales will be the Chief Seat of Commerce and Industry in the South Seas. I believe however that some small Inconvenience has been felt by the persons in Port Jackson, interested in the Whale fisheries, on account of this place being within the limits which are claimed by the East India Company.

Bonaparte, ever attentive to all that can in any shape prove injurious to British commerce, sent two French Brigs of War, the Geograph and the Naturalist to the South Seas under a pretence of making Discoveries, but in reality to espy the

1813.
19 Aug.

Report on
French plan
for attacking
the colony.

Situation of the English Colonies in New South Wales. Captain Baudin commanded the Expedition: he was no Seaman, but excellently skilled for the Duty he was sent upon: he was a good natural historian, and well qualified to judge of the real situation, political and Commercial, of any country. He proceeded straight to Port Jackson, where he met with very liberal treatment from the Governor who had orders to afford him every assistance in his Discoveries. Commodore Baudin had expected to see nothing but a few miserable huts, and a people destitute of all the Conveniences and pleasures of life, laboring under all the disadvantages of Slavery, and a long Distance from the more civilized parts of the World. He was deceived, nothing could exceed his Astonishment, when instead of finding huts he observed Palaces and good buildings everywhere. The farm houses were well and strongly built, and the Banks on the River Hawkesbury presented for many miles the Sight of fertility and cultivation. He observed every thing with the curious Eye of an Observer. In Sydney, he saw a vessel of 200 tons burthen on the Stocks intended for a Whaler, and no less than 12 or fourteen smaller Vessels were engaged in the Seal fisheries. The colony had not then been established for any greater length of time than twenty years, and yet it presented a picture of increasing wealth and prosperity. These circumstances with the Excellent Situation of New South Wales for trade and commerce could not escape the penetrating Eye of Captain Baudin. The Statement, which was afterwards laid before Bonaparte relative to the English Colonies in the South-Seas, contained an exact and true account of all the above circumstances, whilst Baudin's discoveries and remarks on natural history were slightly noticed. Bonaparte heard with astonishment and was vexed to learn that, whilst he made every attempt to destroy British Commerce in Europe, new resources were open to the trade of Great Britain, and colonies established, which might at no very distant period become an Empire powerful enough to exclude all other nations from the fisheries, trade, and commerce of the vast and extensive Seas beyond Cape Horn. Bonaparte contemplated an Expedition against the South-Seas, but at that time so many obstacles presented themselves to his Schemes on this head, that nothing could be done with any reasonable prospect of Success. The case is now much altered; the War with America, the Insurrection in South America, and other causes favorable to his views, point out this as the most favorable moment for executing his plans. Count Lefevre had directions, whilst in this Country, to procure every information on the subject alluded to in his power. Sometime previous to that Nobleman's Escape from this

1813.
19 Aug.

Report on
French plan
for attacking
the colony.

Kingdom, a person wrote a letter to Mr. York, then first Lord of the Admiralty, informing him that there were about that time several french agents in this kingdom endeavor'g to forward the Escape of several officers of Distinction, and the Writer advised that in the outposts such a look-out should be kept, that it should not be easy for any person to escape unnoticed, and moreover that proper officers should be appointed to muster the Crews of foreign licensed Vessels, and to inspect into the hands of the people on board, so, by their hardness or softness, to ascertain whether the persons on board were really seamen or such as they were represented to be; this Information however was disregarded, and Mr. York suffered Count Lefevre to escape with many Documents and much Information.

There are now four French frigates fitting out, and almost ready for Sea, lying in a port of France belonging to the Rochefort Squadron, mostly commanded by those Officers who attended Captain Baudin on his Expedition to the South-Seas. It is determined that they shall sail from their port about the Month of November, the Winter Season being by far the most favorable for making an escape unnoticed. Each frigate will take on board 250 soldiers, and in all 25 horse. Thence they are to proceed with all speed towards the Falkland Islands, near the Straits of Magellan, there to await the arrival of an American frigate and a Storeship, which will leave America about the same time to join the French. The French frigates are accompanied by two Americans, named Kelly and Coleman, who have for years been engaged in South Sea Whalers, and who know the South Seas and the Coasts very well. Being joined by the Americans the whole Squadron will proceed Round the Cape of Good Hope keeping well to the Southward, for fear of the Cruizers from that place, and make for Basses' Straits; In case of Separation Two fold Bay on the Coast of New Holland is destined to be the place of Rendezvouz, either to meet or to recruit the troops in case of Sickness. The American frigate will take on board 300 men. After recruiting the Troops in Two fold Bay, the Expedition is immediately to proceed for Port Jackson and attack that place: but as there is a large battery on the North Shore of Port Jackson, and a battery on the point going into Sydney Cove, it is deemed adviseable for the Squadron to proceed to Broken Bay, there to anchor, and proceed up with the Troops horse, and Artillery, the River Hawkesbury, to effect a landing, so to cut off the Settlers on the River from Sidney, and to obtain possession of the Wheat and Grain; Parramatta of course must fall. 1,500 Stand of Arms are to be delivered into the hands of such First Convicts

who are willing to join the French. It is also proposed that, if circumstances will permit it, a detachment of 250 men should be landed in Botany Bay, to make a diversion in favor of the Main division; but as there are many marshes about that place much care is to be taken to run no risk, and rather than to do that, all the troops are to be landed up the River Hawkesbury. Immediately after capturing the place several of the frigates are to proceed to sea: one will visit the friendly and Society Islands, and bestow many fine presents on the Chiefs, to display much power and to endeavour to give the Natives very mean Ideas of the English and exalted notions of the French Emperor. Two or Three frigates are to proceed without delay to South America, where they are to endeavour to persuade the Insurgents to declare for Joseph, but if they cannot succeed in that, to deliver them 6,000 Stands of Arm, so at all events to enable them to revert King Ferdinand's power. All the Whalers in the South-Seas are to be destroyed or burnt, unless they should prove of Service to the French.

1813.
19 Aug.

Report on
French plan
for attacking
the colony.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 10 of 1813," per whaler Phoenix.)

My Lord, Sydney, New South Wales, 20th August, 1813.

20 Aug.

The new Arrangement of our Courts of Justice here, which I am happy to find is in Such a State of forwardness as that its Completion may be Expected at an Early Day, has suggested to Me the Necessity of getting Speedily Erected a Suitable Building for the Accommodation of the Members of the new Courts, and of the Public at large. This Object, My Lord, is absolutely necessary to be Effected, as the present Court House Consists merely of One Small Room, Attached to the Judge Advocate's Dwelling House, which is totally inadequate in Size and accommodation to the Important purpose to which it has been, pro tempore, assigned.

Necessity for
erection of a
court-house.

I have now the Honor to Inform Your Lordship that in Consideration of these Circumstances, some Progress has been made in raising a Fund by Voluntary Subscription for the Erecting of a Court House, and I have Subscribed, on the part of Government from the Colonial Funds, the Sum of Five Hundred Pounds which I trust will meet Your Lordship's Approbation.

Subscription
List opened
to erect
court-house.

These Subscriptions however will fall far Short of what will be requisite for the Completing a plain Substantial Building of Suitable Size and of respectable Exterior Appearance, without aiming at the Expensive Ornaments of Architecture. No

* Note 1.

1813.
20 Aug.

Estimates of
cost and
subscriptions.

Proposed
government
grant.

Necessity for
the new
building.

Minute or regular Estimate of the Expense has yet been made, but it is generally Considered that Five thousand pounds will be sufficient; the present Subscriptions, including that of Government and what may be Yet Collected in the Country will Certainly not exceed £3,000, leaving the Sum of two thousand pounds unprovided for. '

In these Circumstances I have to Solicit Your Lordship to procure a further Aid from His Majesty's Government either by the Obtaining a Parliamentary Grant of Two thousand Pounds, or by Authorizing me to Contribute that further Sum from the Colonial Funds.

The total Inadequacy of the present Building to the Objects of a Court House renders such a One as is now in Contemplation indispensably Necessary, and I trust Your Lordship will Accordingly favor it with Your Approbation and enable me by the Appropriation of Funds from Government, in either of the Ways I have pointed out, to get their Building Constructed in good time to receive the Members of the New Modelled Court, when it shall be finally determined on.

By the next Dispatch I shall have the Honor of addressing to Your Lordship. I shall transmit for Your Lordship's Consideration a Plan of the proposed Court House, and an Estimate of the Expence Attending it.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch* per whaler Phœnix.)

Sir,

Sydney, N. S. Wales, 20th August, 1813.

Recommend-
ation of prayer
of Hannam.

An Application having been made to me by the Revd. Mr. Cowper, Chaplain of the Town of Sydney, in behalf of a very well behaved Man named Reuben Hannam, a Convict, who came out two years since in the Ship Admiral Gambier Transport, and who is particularly anxious to have his Wife and Children sent out to him to this Country; I take the liberty of transmitting to you the Memorial of Reuben Hannam, addressed lately to me on this Subject, together with two Letters addressed to his Wife, and to the Clergyman of the Parish where She resides, and also a Certificate signed by the Revd. Mr. Cowper and Principal Superintendant of Convicts here; requesting you will be kindly pleased to Submit the Same to the favorable Consideration of Earl Bathurst, and move His Lordship to Order a Passage for the Wife and Children of the said Reuben Hannam in one of the first Convict Ships coming out to this Colony.

* Note 1.

With the view to their greater safety I have taken the liberty to forward my Dispatches* for the other Public Officers at Home in the same Box with those for the Secretary of State, and I indulge a hope His Lordship will be kindly pleased to excuse my taking upon myself so to do.

1813.
20 Aug.

Transmission
of despatches.

I have, &c.,
L. MACQUARIE,
Govr. in Chief of N. S. Wales.

[Enclosure No. 1.]

THE HUMBLE MEMORIAL OF REUBIN HANNAM.

To His Excellency Brigadier General Macquarie, Governor in Chief in and over His Majesty's Territory of New South Wales, its dependencies, &c., &c.

Memorial of
Reubin
Hannam.

Respectfully Sheweth,

That the Memorialist is a Prisoner in this Colony, and arrived in the Ship Admiral Gambier, having much reason to consider that his Term of Transportation is during his natural Life.

That the Memorialist left in England, a Wife and Children, for whom he has entertained a Serious affection, and whom, he has most lamentably to reflect, must be under extreme hardships in their native Country as they are bereft of their only Succour a Husband and a father.

That the great and compassionate goodness of His Most gracious Majesty extended to your poor Memorialist that Mercy which continues to Him a blessing of existence, so that he might cordially repent of his past Errors, and regenerate in this distant Region, under your Excellency's benign Authority, wherefore your Memorialist, conscious that the power which interposed in lengthening the days, had no less in view the promotion of the happiness of your Memorialist, should his conduct render him worthy of the favourable charge, he entertains a hope that through the Medium of Your Excellency's humane Representation and interposition his Wife and family may be permitted to follow his footsteps and to share his Destinies; which Memorialist is assured his forlorn partner would very gladly do. The Memorialist therefore supplicates your Excellency in this behalf; that he may share in the bounty which has extended itself so generally for the good of the Unfortunate, Most Humbly prays, as the greatest blessing he can derive on Earth to see his Dear Wife and children once again, and believe great and good Sir, that his tears and theirs gratefully flow in praise of your goodness &c.

REUBIN HANNAM.

* Note 13.

1813.
20 Aug.

Certificate in
favour of
Hannam.

[Enclosure No. 2.]

CERTIFICATE IN FAVOUR OF REUBEN HANNAM.

Sydney, 14th August, 1813.

THESE are to certify that Reuben Hannam has conducted himself with the utmost propriety since his arrival in this colony.

JN. WM. LEWIN, } I believe the above mentioned Reuben
Coroner. } Hannam to be an industrious and sober man.

WILLIAM COWPER, Asst. Chaplain, N. S. Wales.

ISAAC NICHOLS, Prin'l Superdt.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 11 of 1813," per whaler Atalanta.)

27 Aug.

Advantages of a
brewery and
distillery.

My Lord, Sydney, New South Wales, 27th August, 1813.

1. Having already Conveyed to Your Lordship my Sentiments on the Expediency of Authorizing the Distillation of Spirits and the Brewing of Malt Liquors in this Colony, as the most effectual Means of Inducing the Settlers to Cultivate their Lands, and to raise an Adequate Supply of Grain to meet the necessary Consumption of the population at large, I have now the less Difficulty in recommending the Prayer of the accompanying Memorial of Mr. Joseph Morris to Your Lordship's most favorable Consideration.

Memorial of
Morris *re* a
brewery in
Tasmania.

2. Mr. Morris (as Stated in his Memorial) Commands at present the South Sea Whaler Atalanta of London, and having been here repeatedly since my taking Charge of the Government, I have had some Opportunities of being informed of his general Conduct and Character; from these I am led to believe that he would Shew a good Example of Industry and Propriety of Conduct, were he to be permitted to return to this Colony as a Settler. Whilst the Production of so wholesome a Malt Beverage, as that proposed by him, would be of Material Advantage to the Settlement.

3. Bred to the Brewing Trade, and Consequently Conversant with it as Mr. Morris represents himself, and possessed of very Considerable Property as I have been informed, Such an Establishment, as that proposed by him, Could not fail of being a very great Public Benefit. From these Considerations I beg Leave to recommend his Memorial to Your Lordship's favorable Consideration, and that You will Authorize his proceeding with the Usual Indulgences, as a Settler to Van Diemen's Land. I beg further to request that Your Lordship will be pleased to permit Mr. Morris to Carry out with him an Assortment of Such Implements and Materials as he may Consider requisite for the

* Note 1.

Building a Brewery and Carrying on his Trade in it, when finished: and generally such other Articles as he may know to be suitable to the Demands and Wants of the Settlements on Van Diemen's Land.

1813.
27 Aug.

4. Herewith I have the further Honor of transmitting for your Lordship's favorable Consideration, a Memorial from Mr. Gore, the Provost Marshal of this Settlement, praying Your Lordship for an Increase of Salary.

Gore's
application
for increase
of salary.

I have, &c.,

L. MACQUARIE.

P.S.—In the event of your Lordship being pleased to approve of Mr. Morris's returning to this Colony for the purpose of establishing the proposed Brewery at the Derwent, he is desirous to bring out with him three or four Brewers, as many Masters, two Coopers, a House Carpenter, a Mill-wright, and a Blacksmith. I have therefore to request your Lordship will be pleased to grant him Permission to bring out with him those Number of Persons.

Proposed
experts and
mechanics for
the colony.

L.M.

[Enclosure No. 1.]

[A copy of the memorial of Joseph Morris is not available.]

[Enclosure No. 2.]

THE MEMORIAL OF WILLIAM GORE, PROVOST-MARSHAL OF THE COLONY OF NEW SOUTH WALES.

Memorial of
William Gore.

To the Right Honorable Earl Bathurst, Principal Secretary of State for the Colonies, &c.

Respectfully States,

That your Lordship's Memorialist on the recommendation of the Earl of Harrington was appointed Provost Marshal of the Territory by Commission from His Majesty bearing date the first day of August, One thousand eight hundred and five.

That the Salary of five shillings per diem annexed to that appointment was arranged, as Memorialist presumes from the Inference that the Fees arising from and attached to the Offices were so considerable as to be paramount to the Salaries of the other Official Servants of the Crown on this Establishment.

That the duty as well as the responsibility of the Office of Provost Marshal to this extensive Territory, and which is daily encreasing, not only in population and by the establishment of New Settlements at remote distances from each other, but materially in Mercantile Interests and Commercial concerns, requires the most sedulous attention, vigilance, caution and care, occupying the whole of Memorialist's time and attendance, to render due Justice to the Duties of it, and necessarily calling

1813.
27 Aug.

Memorial of
William Gore.

upon Memorialist to employ and entrust many persons as Deputies under him at very considerable Salaries, and for whose Conduct Memorialist is held responsible.

That the Salary of five Shillings per day is so far from being an adequate compensation, when the great trouble, expense, risque and responsibility, appertaining to memorialist's Office, are taken into consideration, that it would not afford memorialist the power of keeping a Horse to visit the numerous and remote Districts to which his Official Precepts direct him, while the Fees received in Memorialist's Office are scarcely sufficient to defray the expences of Bailiffs, employed in the distant Districts, a Principal Clerk, and other subordinate Clerks and Assistants, engaged in the execution of Processes, Subpoenas, &c.; Thus leaving the Office of Provost Marshal of this Colony incumbered with an accumulating weight of Duty with a very inadequate remuneration to the Officer entrusted with the charge, and to whom very great responsibility necessarily attaches.

That Memorialist, being at the head of a Department which in itself is high in importance, and looked up to by all discriptions of persons in the Colony as an Office of trust and consequence, he therefore presumes he cannot be considered inferior to the other Servants of the Crown on this Establishment, whose Salaries have been Augmented to one pound per day for their Services, and who also have the assistance of other Subordinate Officers employed and remunerated by Government, Whereas Memorialist is obliged out of his own aforesaid Salary and Fees to pay the Salaries of all persons employed by him in the execution of the various Duties appertaining to his Office.

That from the pay of five shillings per day Memorialist has a number of Assistants to satisfy, and the Fees are so fluctuating and precarious as not to be taken into computation on that Score. And Memorialist moreover humbly shews to your Lordship that he has a Wife and Six children to provide for, and that his Rank and situation in this Colony as an Officer necessarily call for a respectable Establishment without which Memorialist must be liable not only to certain privations but probably to Embarrassments in his Circumstances, which produce anxiety of Mind and subject him to many personal inconveniences.

May it therefore please your Lordship to take these Circumstances into your Lordship's favorable consideration and grant Memorialist such relief by an encrease of his Salary as in your Lordship's wisdom and Justice may seem expedient.

And Memorialist will ever pray,

WM. GORE, P.M.

Sydney, New South Wales, 13th Augt., 1813.

1813.
31 Aug.

GOVERNOR MACQUARIE TO EARL BATHURST.

(A private despatch* per whaler Atalanta.)

My Lord, Sydney, N. S. Wales, 31st Augt., 1813.

My Private Letters under dates 31st January and 31st July, 1812, addressed to Your Lordship's Predecessor, the Earl of Liverpool, I take for granted must have been handed on by him to your Lordship, and therefore it is unnecessary to recapitulate their Contents here.

In those Letters I took the liberty to recommend my Brother, Lieut. Colonel Charles Macquarie, late of the 42d Regiment, to the favor and Protection of the Earl of Liverpool, and I now beg leave to do the same to your Lordship.

Previous
private letters.Macquarie's
recommend-
ation of
his brother.

As I Conclude your Lordship will deem it absolutely necessary to direct the whole of the Officers and Men of the 1st Battn. of the 73rd Regiment to be removed as soon as possible from this Country, agreeably to the Strong recommendation Contained in my Public Dispatch dated the 31st of last month, the Situation of Lieut. Governor of this Territory will thereby become vacant; and it would prove highly gratifying to me if your Lordship would be kindly pleased to appoint my Brother Lieut. Colonel Macquarie to that Office, in succession to Lieut. Governor O'Connell, on the removal of the 73rd Regiment from this Country.

My Brother, I may venture to assert, is eminently well qualified to fill this situation with Credit to himself and advantage to the Public Service. His Character, as an Officer and a Gentleman, and for Honor and integrity through life, will bear the test of the strictest and most rigid inquiry; and his Talents and abilities as a man of Business are far beyond Mediocrity.

It certainly would contribute greatly to the Prosperity and the tranquility of this Colony, were I to be so fortunate as to have a Person placed next and immediately under myself, as Lieut. Governor of this Territory, in whom I could repose entire and implicit Confidence; and this would naturally follow were my Brother appointed to the Situation in question, as, of course, our interests and connexions would be one.

At present, I am sorry to say, a good deal of Party Spirit still exists in this Colony, principally arising from the circumstance of Lieut. Governor O'Connell's having married the Daughter of Governor Bligh† (the late Widow Putland), who was here with her Father when he was dispossessed of his Government, and remained with him during the usurpation of it, until the arrival of the 73d Regiment, when she married Lieut. Governor O'Connell. This Lady, naturally enough, has

Party spirit
fostered by
Mrs. O'Connell.

* Note 1. † Note 2.

1813.
31 Aug.

Party spirit
fostered by
Mrs. O'Connell.

imbibed strong feelings of resentment and Hatred against all those Persons and their Families, who were in the least inimical to her Father's Government. She is consequently on a bad footing with all those Persons, which excites a good deal of Party Spirit in the Colony. I am persuaded, however, that the remains of this Party Spirit and Faction will be Completely annihilated on the removal of Lieut. Colonel and Mrs. O'Connell, and that this Country *will then* be perfectly free from all Factions and invidious distinctions, for, tho' Lieut. Colonel O'Connell is naturally a very well disposed Man, he allows himself to be a good deal influenced by his Wife's strong rooted Prejudices against the old Inhabitants of this Country, who took any active part against Governor Bligh.

O'Connell's
removal
recommended.

Under all these circumstances, it would most assuredly greatly improve the harmony of the Country, and promote unanimity in it, if the whole of the Officers and Men of the 73d Regiment were removed from it, including Lieut. Colonel O'Connell.

Charles
Macquarie
proposed as
lieut.-governor.

Whatever time this event takes place, I indulge a fond hope your Lordship will see no objection to appointing my Brother, Lieut. Colonel Macquarie, to be Lieutenant Governor of the Territory of New South Wales, in the room of Lieut. Governor O'Connell.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 12 of 1813," per whaler Atalanta.)

My Lord, Sydney, New South Wales, 31st August, 1813.

Escape of
convicts from
Norfolk island.

1. I have the Honor to Inform Your Lordship that in the latter End of the Year 1811, four Male Convicts made their Escape from Norfolk Island on board a South Sea Whaler called "The New Zealander" of London, William Elder, Master. This Circumstance was reported to Me in due time by Lieutenant Crane, then Commandant of that Settlement; but as he Could not produce positive Proof of their being Carried off in the New Zealander, Any Steps on My part, previous to the Fact being ascertained, would have been premature; in Consequence I deferred making an Official Communication on the Subject, until I should be enabled to State it Circumstantially.

2. By the recent Arrival of Captain Elder, now Commanding the Concord South Sea Whaler, I have got the Necessary Information to Communicate to Your Lordship. From the Correspondence which has taken place between Captain Glenholme, the

* Note 1.

Naval Officer, and Captain Elder of the Concord on this Subject, I am inclined to believe that these Convicts had got on board the New Zealander and Secreted themselves there for some time without the Knowledge of Captain Elder, and it Appears by the Certificate of Captain Johnstone of His Majesty's Ship Scipion, dated off St. Helena on the 15th February, 1812, that these Men were delivered Over by Captain Elder in Charge to him. The Accompanying List will inform Your Lordship of the Names of these Convicts, with their respective Times and places of Trial, their Sentences or Terms of Transportation, and the Ships by which they Arrived in this Colony; and I enclose for Your Lordship's further Satisfaction a Copy of the Correspondence between the Naval Officer and Captain Elder, with a Copy also of Captain Johnstone's Certificate of their being put on board that Ship, and Captain Elder's Attestation to the Certificate and Signature of Captain Johnstone, Sworn to on the 26th instant.

1813.
31 Aug.

Papers relating
to escape of
convicts.

3. The Facility with which Convicts may effect their Escape by Means of Shipping from any of the frequented Harbors of this Colony or its Dependencies, Notwithstanding every Exertion to prevent it, is Still so great that Unless Measures are adopted at Home to terrify these Fugitives from revisiting their Native Country in this Manner, by Stealth, such Desertions will become every day more frequent, as the Commerce and Shipping increase, and will be a Serious Evil unless Speedily Checked. In the present Case I beg to submit to Your Lordship that it appears to me that Captain Johnstone should be Called upon to Surrender those Runaways, and that they should be remitted hither by the Earliest opportunity to undergo at least the Extent of their former Sentences with such Additional Punishment as Your Lordship should be pleased to direct, as Examples to deter others from the same Line of Conduct.

Necessity for
stringent
measures to
prevent escapes.

4. A Similar Circumstance to that now related has lately occurred here, which I have to represent to Your Lordship. A Person named *John Francis*, who was tried at Middlesex Gaol Delivery on 10th July, 1811, and Sentenced to Transportation for Life, and who Arrived by the Ship Indefatigable at the Derwent in the month of October last, being Strongly recommended to me from Home, I was anxious to render his Situation as little Irksome to him as the Nature of it would admit, and in Consequence I had him brought to Head Quarters from the Derwent that I might have a personal Opportunity of Observing his Conduct and extending him Such Relief as he should appear to merit. Being bred a Surgeon I had him employed in the General Hospital here as an Assistant, which is in itself an

Special
treatment of
John Francis.

1813.
31 Aug.

Escape of
John Francis.

easy and relatively very Comfortable Situation. Scarcely had this Man been thus relieved from the Difficulties to which he was subjected by his former Crime, when he Effected his Escape from hence on board a Ship called *The Hope*, which Sailed from hence on the 1st of July last, bound for the Cape of Good Hope. If this Man should have the Temerity to proceed to England, I would hope Your Lordship would Cause him to be apprehended and returned hither, to Undergo the full Measure of that Sentence, for the Relaxation of which he has already made so ill a Return by his Flight.

Seizure of and
escape of
convicts in
the Unity.

5. By the Arrival of the *Henrietta* Packet on the 18th instant from the Derwent, I have received an official Account from Lieutenant Governor Davey of the Capture of a Small Colonial Vessel, Called *The Unity* of Port Jackson, by Seven Convicts who have effected their Escape in her. This Vessel Arrived in the Derwent from Port Dalrymple, another Settlement on Van Diemen's Land, with a Cargo of Sundry Articles from hence on the Morning of the 23rd of April last, Manned only by Four Men, and on the Night of that same day She was boarded and taken full possession of by these daring Fellows, who immediately weighed Anchor and proceeded to Sea, Sending their boarding Boat on Shore at some Distance from Hobart Town with the Crew, Consisting of Mr. Mansel of this place, who was the Owner of her, and three others. What their Destination is Could not be learned, but they have Not Provisions for any Considerable Length of Voyage, neither are they Supposed to be equal to the Conducting of a Vessel to any remote Coast, and being all alike Masters, it is very probable they may be either totally lost or Cast on some Unfriendly Shore where they may all perish. If it should however happen that they fall in with an English Ship of War they would of Course be soon discovered, and made Prisoners. In this Event, or if by any Means they should Arrive in England, I have to hope that they would be immediately Apprehended and sent hither to abide the Consequences of their Piracy. Herewith Your Lordship will receive a List of these Men's Names, with their Original Times and Places of Trial, and Terms of Transportation, with the Names of the Ships by which they Arrived.

Loss
sustained by
W. H. Mansel.

6. The Owner of the Vessel thus piratically Carried off is a Merchant of this place, called Mansel, who represents his Loss in Vessel and Cargo, as Amounting to between two and three thousand pounds, either of which Sums is a Loss much beyond his Capacity to bear.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

1813.
31 Aug.

LIST of Four Convicts, who effected their Escape on board the Ship, New Zealander, of London, Elder, Master, from Norfolk Island in the Year 1811.

List of
escapees from
Norfolk island.

Name.	Tried.		Sen- tence.	By what Ship.
	Where.	When.		
Henry Millson or Millsom	Somerset Ass..	9 Aug. 1806	Life ..	Duke of Portland.
William Brown	Nottingham ..	13 Mar. 1806	Life. ..	Do
Robert Dawson als. John Leeche.	Lancaster Ass	14 Oct. 1807	7 years	Ad. Gambier, T. Harrison, Mast.
Benjamin Cordell	Not ascertained			

Compared:—JNO. THOS. CAMPBELL, Sec.

[Enclosure No. 2.]

[1] MR. H. GLENHOLME TO MR. W. ELDER.

Sir, Naval Office, Sydney, 19th August, 1813.

I am directed by His Excellency the Governor to demand from you immediately, by what Authority, while you Commanded the New Zealander in the limits of this Colony, and which you entered into the usual Bonds for duly Observing the prescribed regulations of,

Elder to report
on escape
of convicts.

You presumed to act in so illegal a Manner as to Convey from Norfolk Island, four Convicts, whose Names I mention underneath, at some time previous to the 8th Feby., 1812, by Sending your Boat on Shore to Cascade Bay after dark, and removing them on board that Ship, or otherwise having taken them out of the Colony; also to explain in what Manner those Men were allowed to quit your Ship, And in the Event of your Not promptly affording the most Satisfactory reasons, you are to be prosecuted for the Offence.

I am, &c.,

H. GLENHOLME, Naval Officer.

Henry Milsom, Clerk.

Robt. Dawson, als. Leech

Benj'n Cordell

Wm. or Rich. Brown } Labourers

als. Tokis, als. Willson }

[2] MR. W. ELDER TO MR. H. GLENHOLME.

Sir, Ship Concord, Sydney Cove, 21st August, 1813.

I have to acknowledge the receipt of your Letter of 19th Instant, and am extremely Sorry that there Should have been Occasion for Such letter, in Consequence of four Convicts having Stowed themselves on board the Ship New Zealander under my Command Off Norfolk Island.

1813.
31 Aug.

Elder's report
on escape
of convicts
on whaler
New Zealander.

I beg leave to inform you of the Circumstances that attended to facilitate the Manner, in which those Persons got on board the New Zealander, as it afterwards appeared by their own Confession. The Evening previous to my departure from Norfolk, Mr. Drummond and the Pilot were on board, as well as Henry Millsom (one of the four Named) by permission of the Commandant, to Settle Accounts between Mr. Drummond and myself, the Pilot and Milsom left the Ship for the Shore in One of the Ship's Boats (the Island then distant about Eight Miles) and were landed at Cascade. The Night proved very dark, and blowing hard at the same time. I had permission from the Commandant to take three Men from the Island, which Came off in the Boat that took Mr. Drummond and the Others on Shore, together with their Bedding, Cloaths, &c. and it is possible that three of the Convicts got Stowed away in that Boat, during the Absence of the Officer who went with Mr. Drummond to the Town; And as it was about 10 O'Clock at Night when the Boat left the Shore, the Officer on his return did not take particular Notice, who were in the Boat more than the Crew, and the three Men; nor could be possibly Suppose there were any More. The Boat arrived at the Ship about 12 O'Clock at Night, and as it Still Continued to rain and blow hard I was Obligated to heave the Ship too to take the Boat in, and in that Confusion, if those persons were then in the Boat, they may have Come on board without my knowledge, and indeed in the dark of the Night, might even have assisted to work the Ship unknown to me; it was in this Boat that Milsom, Dawson, and Cordell Came to the Ship as appeared Afterwards by their Own Account, and Brown asserted that he Stowed himself on board when he Came off on the Same day, as One of the Crew of the Government Boat, which Came for the things I carried from here to Norfolk on Account of Government.

After I took the Boat in, and put the Ship a little in Order, I bore away on my Voyage, and in the Morning the Island was Nearly Out of Sight, and it was not until the third day afterwards, that I knew the people were Stowed on board. I afterwards fell in with the Ship Ann, Captain Givinn, and requested he would take these people on board his Ship and Convey them either to Sydney or Norfolk, but which he refused to do. On my Arrival at St. Helena, I reported to the Governor of that Island that I had four Convicts then on board my Ship, and who had Stowed themselves on board unknown to Me, and requested the Governor would send and take Charge of these people; in the Mean time, Captain Johnstone, of His Majesty's Ship Scipion, sent an Officer on board my Ship and took these four

Men Out, and granted me a Certificate, which Certificate is now in my possession, and which I Shewed you on my first Arrival at this Port.

I trust this Explanation will prove Satisfactory, and beg to assure You that no Consideration Should have induced me to have Violated the regulations prescribed as regards Ships within the limits of this Territory.

I am, &c.,

W. ELDER.

Compared with the Originals; True Copies,—

H. GLENHOLME, Naval Officer.

[Enclosure No. 3.]

[1] MR. H. GLENHOLME TO MR. W. ELDER.

Sir, Naval Office, Sydney, 23d August, 1813.

I am Commanded by His Excellency the Governor to acknowledge the receipt of your letter this day, dated the 21st Inst., in reply to my letter of the 19th. I am directed to inform you that the explanation, which you give, of four Convicts effecting their Escape from Norfolk Island on board of the New Zealander which Ship you then Commanded is by No Means Satisfactory.

1813.
31 Aug.
Elder's report
on escape
of convicts
on whaler
New Zealander.

It was your bounden duty, on discovering four Convicts in your Ship, to have returned to the Island with them and given them up, or to have put them on board any Ship, that Could have delivered them at any of the Settlements in this Territory.

You State to have a Certificate in Your possession granted by a Captain Johnstone, then Commanding His Majesty's Ship Scipion at the Island of St. Helena, for those four Convicts. It will therefore be Necessary for you to deliver that Certificate to me, making Affidavit of the Signature being the handwriting of Captain Johnstone, that it may with Other documents be forwarded to His Majesty's Ministers.

Elder's
explanation
unsatisfactory
to Macquarie.

I shall Afterwards give you an Attested Copy of the Original.

I have, &c.,

H. GLENHOLME, Naval Officer.

[2] MR. W. ELDER TO MR. H. GLENHOLME.

Sir, Ship Concord, Sydney Cove, 25th August, 1813.

I have to acknowledge the receipt of your letter of 23d Instant, and am extremely Sorry that the explanation given in my last letter was not Satisfactory. When I first discovered the Convicts in Question on board the New Zealander, I was at the distance of some degrees from Norfolk Island, and from the heavy Weather I experienced with the Wind from the W.S.W. it would have been out of my power to have made Norfolk again

Certificate to
be furnished
by Elder.

Further
explanation
by Elder.

1813.
31 Aug.
Further
explanation
by Elder.

without in all probability of delaying my Voyage a very Considerable time, and which I could not possibly do, as I was at that time very Short of provisions of all discriptions. The only Ship, I saw after I left Norfolk, was the *Ann*, Captn. Givinn, and as I before stated, Captn. Givinn would not receive those people on board to land them at any Settlement in New South Wales.

Agreeable to Your request, I beg leave to enclose you the Certificate of Captn. Johnstone of His Majesty's Ship *Scipion* of his having taken the four Convicts from on board the *New Zealander*, with my Affidavit annexed thereto, that the Signature to the Said Certificate is of the Own proper hand writing of the Said Captn. Johnstone of the *Scipion*. I must request You will be good Enough to favour me with an Attested Copy of the Said Certificate.

I have, &c.,

W. ELDER.

Compared with the Originals; True Copies,—

H. GLENHOLME, Naval Officer.

[Enclosure No. 4.]

[1] CERTIFICATE RELATING TO ESCAPED CONVICTS.

Isle St. Helena, 15th February, 1812.

THESE are to Certify that Wm. Elder Master of the Ship *New Zealander* of London has delivered over to His Majesty's Ship *Scipion* under my Command four Men Named as Per Margin* they having Absconded from Norfolk Island and Secreted themselves on board the above Ship.

J. JOHNSTONE, Capt.

Compared with the Original; True Copy,—

H. GLENHOLME, Naval Officer.

[2] AFFIDAVIT OF W. ELDER.

I, WILLIAM ELDER, Master of the Ship *Concord* of London, now riding at Anchor in Sydney Cove, New South Wales, do Solemnly Swear depose and testify, that I was present, on board His Majesty's Ship *Scipion* at the Island of Saint Helena on the fifteenth day of February in the Year of Our Lord One Thousand Eight hundred and twelve, and did See Captain Johnstone, Captn. of the Said Ship, Sign his Name to the Certificate paper Writing hereto annexed, And that the Signature "J. Johnstone" is of the Own proper hand Writing of him the Said Captain Johnstone, and which Certificate was given to me as an indemnification for four Convicts which he took from the Ship *New Zealander* then under my Command, and which Convicts had

* Benjn. Cordell, John Wilson (*Note: This is only a fictitious name used by Henry Millson, which is his real Name in the Indents.*—L.M.), Robert Dawson, William Brown.

Johnstone's
certificate
re delivery
of convicts.

Affidavit of
William Elder.

Stowed themselves on board the Said Ship New Zealander off Norfolk Island without my knowledge or Consent.

1813.
31 Aug.

W. ELDER.

Affidavit of
William Elder.

Compared with the Original; True Copy,—

H. GLENHOLME, Naval Officer.

Sworn before me this 26th day of August, 1813,—

D. WENTWORTH, J.P.

[Enclosure No. 5.]

LIST of Seven Convicts, who piratically Seized and ran away with the Unity, Schooner, from the Derwent in Van Diemen's Land on the 23rd April, 1813. List of convicts escaped in the Unity.

Names.	Tried.		Sentenced.	Arrived by Ship.
	Where.	When.		
Thomas Watson	Midd. G.D.	6 Dec., 1809	7 years	Indefatigable 1812
Patrick Russell.....	Do.	29 May, 1811	Life ..	Do
Richard Payne	Do.	30 Oct., 1811	Life ..	Do
Thomas Bird	Wilts. Q.S.	16 July, 1811	7 years	Do
Thomas Curtis	Bristol O.T. and G.D.	17 April, 1811	Life ..	Do
Wm. Buttonals, Symerals. Mark Tyler.	Midd. G.D.	5 Dec., 1810	Life ..	Guildford 1812.
Frederick Callaghan..	Northampton G.D. ..	5 March, 1810	Life ..	Do

Compared:—JNO. THOS. CAMPBELL, Secy.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship Three Bees.)

Sir, Downing Street, 24th September, 1813. 24 Sept.

I am directed by Lord Bathurst to transmit to you *Gazettes* Extraordinary announcing the Capture of the Town and Castle of St. Sebastian by His Majesty's Forces in Spain, Capture of town of St. Sebastian.
And also the Successes of His Majesty's Allies in Germany.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Three Bees; acknowledged by Governor Macquarie to Earl Bathurst, 12th May, 1814.)

Sir, Downing Street, 28 Sept., 1813. 28 Sept.

I am to acquaint you, by Ld. Bathurst's directions, that the Scales and Measures for the Market at Sydney and Tools for the Manufactory at Parramatta have been purchased to replace those captured in the Emu: And these Articles have been shipped in the General Hewitt, which Vessel sailed on the 25th Ult. Shipment of scales and measures.
for New So. Wales.

I have, &c.,

HENRY GOULBURN.

1813.
5 Nov.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship Three Bees.)

Sir,

Downing Street, 5th November, 1813.

Speech on
opening of
parliament.

I am directed by Lord Bathurst to transmit you the Copy of the Speech with which His Royal Highness The Prince Regent Opened the Session of Parliament on the 4th Instant.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of the speech, as enclosed, is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Three Bees; acknowledged by Governor Macquarie to Earl Bathurst, 12th May, 1814.)

13 Nov.

Sir,

Downing Street, 13th November, 1813.

Bruce's
memorial
submitted
for criticism.

I am directed by Lord Bathurst to transmit to you the Copy of a Memorial, which has been presented to His Lordship by a Person of the Name of Bruce, in which amongst other circumstances it is stated that you advised him to come to this Country; And I am to request you will report for the information of the Secretary of State how far the Allegations therein contained are correct, as far as they may have come under your knowledge.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

The memorial of
George Bruce.

THE MEMORIAL OF GEORGE BRUCE TO EARL BATHURST.

Namur at the Nore, 4th June, 1813.

The Memorial of George Bruce most humbly Sheweth,—

That your Memorialist is a native of Scotland, and that about ten years ago he entered His Majesty's Service at New South Wales on board the Francis Schooner, and that he was afterwards drafted into the Lady Nelson Tender, in which he was, when Tipoo-hee, the Chief of New Zealand paid a visit to Captain King, then Governor of New South Wales:—that the Lady Nelson was appointed to convey the said Tippoo-hee back to New Zealand, and that during the passage he became much attached to your Memorialist, from his attention to said Chief during his sickness; and that your Memorialist, induced by the earnest intreaties and great promises of Tipoo-hee consented to leave his ship and to remain behind at New Zealand; that your Memorialist remained behind at New Zealand upwards of three years, during which time he became thoroughly acquainted with the customs, manners and language of the natives; that he married the Daughter of Tipoo-hee, was made a Chief, and had uncontrouled authority over the Island.

Your Memorialist further humbly states, that the Honourable the East India Company's Ship General Wellesley arrived at New Zealand, and that through his exertions and authority a Cargo was immediately supplied the said Ship, for which kindness he met with a very ungrateful return:—that the Natives were induced to consent that your Memorialist should accompany the Captain of the General Wellesley to the North Cape (the North End of the Island) under a solemn promise from the said Captain, that he should not be taken away from the Island; but that in violation of this solemn promise, your Memorialist, together with his Wife, were treacherously conveyed to Malacca; from whence, on his case being represented to Admiral Drury (who happened to be there at the time), he was forwarded to Bengal.

1813.
13 Nov.

The memorial of
George Bruce.

Your Memorialist humbly adds, that here he was treated with distinguished kindness and humanity by Lord Minto, who paid two thousand rupees for his passage back to New Zealand in the Ship Union, under a conviction that your Memorialist would be of essential service to his Country by protecting and forwarding the views of any Ships that might touch there either for the purposes of commerce or Discovery. Your Memorialist, however, was never forwarded to his destination, but was left by the Union at New South Wales; which Colony was at that time in a state of great confusion from the arrest of Governor Bligh. Your Memorialist adds, that he was obliged to remain at New South Wales three months, where his wife died, and that having made his case known to Colonel McQuarry, he was advised by that Gentleman to take a passage to England in His Majesty's Ship Porpoise, and to communicate his situation to his Government at home. On his arrival in England about eighteen months ago, your Memorialist represented his case to Lord Liverpool, and was by him referred to the Right Honorable Spencer Percival; but the lamented death of this Gentleman prevented his receiving any benefit from such application. Your Memorialist, having expended his little all, was obliged to enter into His Majesty's Navy and is at this time on board His Majesty's Ship Namur at the Nore.

The object of your Memorialist in this humble representation is to procure permission to be sent out, as well as a passage to New Zealand, where he has considerable property and where he is certain that his influence and authority over the Natives would enable him to confer great benefits on such of his Countrymen as might be induced to trade there. Your Memorialist is enabled to state, from information he received, that, during his detention at New South Wales, the Ship Boyd having touched

1813.
13 Nov.

The memorial of
George Bruce.

at New Zealand, the Natives, irritated at the treachery used towards him and his wife, murdered the whole of her Crew except a Woman and one or two Children, and burnt the Vessel; and he is convinced that, in the event of his being permitted to return, he would propitiate the minds of the Natives towards his Countrymen. Your Memorialist is impressed with a deep sense of the truth and importance of Christianity; and during his residence on the Island used his efforts (as far as his knowledge enabled him) to convince the Natives of the superiority of his religion over their own miserable superstitions, and he believes, that if furnished with proper books, he would be of great service in this respect, and might at least pave the way for the success of future Missionaries of the Gospel: or that, if such should arrive during his life time, he would protect their persons and forward their labours.

In the humble expectation that his case will be taken into consideration, and his prayer granted.

Your Memorialist as in duty bound will ever pray,

GEORGE BRUCE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Broxbornebury.)

30 Nov.

Permission
granted
Thomas Ashe
to become
a settler.

Sir,

Downing Street, 30 Novr., 1813.

I am directed by Lord Bathurst to transmit to you the Copy of a letter, which his Lordship has received from H.M.'s Secretary of State for the Home Department, dated the 4th August last, requesting that permission may be given to Mr. Ashe to proceed to New So. Wales as a Settler, and Lord Bathurst has ordered him a Passage in "The Broxburnbury."

Upon a perusal of the enclosed, you will perceive upon what terms, and under what Circumstances this permission has been granted him, and I am to request you will regulate your conduct accordingly.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

LORD SIDMOUTH TO EARL BATHURST.

My Lord,

Whitehall, 4th August, 1813.

It being very desirable that a Person, whose name is Thomas Ashe, should be permitted to go out as a Settler to New South Wales, I have to request that your Lordship would have the goodness to give the necessary directions for this purpose.

A Ship being now ready to sail with Convicts to New South Wales, I would recommend that Thomas Ashe be provided with

a passage on board her, and I have also to request that a Communication may be made by your Lordship to the Governor of New South Wales, apprising him that the Person abovementioned goes out as a Settler.

1813.
30 Nov.

In that Communication, it would also be proper to state to the Governor that Thomas Ashe is a person, whose Character is not entirely without blemish; that his Errors have not been of a felonious nature, but that he has employed himself in writing libellous Publications to a considerable extent, and of a very mischievous tendency, at the instance of a certain Class of Booksellers in this Town; but that he has shewn so much contrition for the improper pursuits he has been engaged in, and so much ability to render himself useful, if his talents were properly directed, that he has been granted the indulgence of going to a distant Colony, where he proposes to redeem his Character, and to recommend himself, by his exemplary Conduct, to the Notice of the Governor.

Character
and former
occupation of
Ashe.

The whole of this Person's Conduct and Character has been investigated under my direction by Mr. Corrant, the Magistrate, who strongly recommends the suggestion, which I have offered to your Lordship respecting Mr. Ashe.

I have, &c.,

SIDMOUTH.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Broxbornebury; acknowledged by Governor Macquarie to Earl Bathurst, 7th October, 1814.)

Sir,

Downing Street, 20 Decr., 1813.

20 Dec.

The House of Commons having voted the Sum of £13,298 for the Civil Establishment of New So. Wales from the 1st day of January to the 31st day of Decr., 1814, I am directed by Lord Bathurst to enclose to you a Copy of the Estimate upon which the Grant is founded.

Parliamentary
vote for the civil
establishment.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

ESTIMATE FOR NEW SO. WALES, 1814.

The Civil Estimate for 1814 is exactly similar to that for 1813 (see page 689, volume VII), with the exception of the 3 following items:—

Civil estimates
for the year
1814.

Allowance to Mrs. Collins, Widow of the late Lieut. Col. Collins, in Consideration of her husband's Services in superintending the Commencement of the Settlement at Hobart's Town and Comm. there from 1803 to 1810	£	s.	d.
Allowance to Gov. Bligh in Consideration of his Services	200	0	0
Allowance to Mrs. Jamieson, Widow of the late Surgeon Jamieson	40	0	0

1814.
17 Jan.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 1 of 1814," per ship Earl Spencer, *viâ* Ceylon; acknowledged by Earl Bathurst, 12th July, 1815.)

My Lord, Sydney, New South Wales, 17th January, 1814.

Ill-treatment of
South Sea
islanders.

Frequent Representations having been made to me at different times of Shameful Depredations and Wanton Cruelties being Committed against the property and Persons of the Natives of the Several Islands in the South Seas by the Masters and Crews of Vessels from this Port, in Common with those from England and India, who frequent their Coasts, and being anxious to restrain or punish such acts for the future, as far as *my Authority* extends, I deemed it Necessary to Issue a Proclamation on the 1st Ulto. establishing Certain Regulations to be observed by the Masters and Crews of all Vessels henceforth Clearing out on Voyages for any of those Islands from hence. It is yet too soon to be enabled to say how far the desired Object of protecting the Persons and Property of those Natives may be effected by this Measure, but I have Sanguine Hopes that the Rapacity and Cruelty of our sailors will be in some Degree at least restrained, and that the Intercourses of Trade with those Islands will be rendered more secure than at present. A printed Copy of the Proclamation Issued by Me on this Occasion, I do myself the Honor to transmit herewith for Your Lordship's Perusal.

Proposed
extension of
regulations
to all island
traders.

If this Measure should Meet Your Lordship's Approbation, I would beg Leave to Suggest for Your Lordship's superior Consideration, whether it might not be expedient to follow it up by Subjecting the Masters of South Sea Whalers and of other Merchant Ships, frequenting those Islands from England and India, to Similar Regulations, and I beg to add that in My Opinion, many, if not all, of the Massacres, which occasionally take place among those Islands, of the Masters and Crews of Vessels, have originated in the Insulting and oppressive Tyranny exercised towards them by our own People; and were All the Commanders of Vessels belonging to the Subjects of Great Britain, whether Sailing from thence or India for the South Seas, required to enter into Competent Securities for their proper Conduct to the Natives, I am fully of Opinion that the Trade to those parts might be Carried on with perfect Safety to the Ships and Persons employed therein.

Reasons for
appointment
of magistrate
at Otaheite.

The wanton Insults offered by British Seamen to the Women, and the Plunder Committed by them on the Natives of Otaheite, Induced me some time since to appoint Mr. William Henry (a respectable Missionary Settled on that Island) to Act as a Magistrate there, that Island being within the Geographical

Limits of this Territory*; and I have Reason to believe that he executes the Duties of the Office with much zeal and promptitude. By the Arrival of the Brig, James Hay, from Otaheite on the 19th Ult. I received a Letter from Mr. Henry, dated "Island of Eimeo, 16th November, 1813," a Copy whereof I now transmit to Your Lordship, Wherein he recites the capture of two Vessels from hence, namely The Queen Charlotte and the Daphne, with the Murder of the Master of the latter Vessel and of part of both their Crews. The Queen Charlotte was restored by the Influence of Po-mar-rie, the deposed King of Otaheite, who possesses however Considerable Influence with some of the Tribes, and has at all times been friendly to the English. The Daphne was retaken by another Vessel from hence Called The Endeavour, and has since arrived here. The Master of this Vessel, called Michael Fodger, was among the first killed on board his Vessel, and I have since learned that his Death has been but too just a Retaliation for Numerous Cruelties, which he had been guilty of to the Natives on every occasion of his Visiting those Islands. Indeed, the Cruelties, which I have too much Reason to be Convinced have been exercised towards the Natives of the South Sea Islands by British Seamen, may pretty well account for their occasional Sanguinary Retaliations, which unfortunately however some times fall upon those who had never offended them, whilst the Guilty, being more on their Guard, escape Unpunished. On the same Subject with Mr. Henry's Letter, I send Your Lordship the Copy of one addressed to me in the Name of the Missionaries at Otaheite and the adjoining Isles, dated also at Eimeo on the 11th September last, and signed by Mr. John Davies, one of their Body.

The accompanying Depositions will exhibit to Your Lordship some of those Scenes of Atrocious Cruelty on the part of our Seamen, which I have been attempting to bring under Your Lordship's Consideration.

On the Arrival of the Brig Endeavour, after the Recapture of the Daphne, I found it Necessary to the Ends of Justice that the Master of that Vessel, called Theodore Walker, should be made answerable for his Conduct in taking upon him to Execute a Lascar belonging to the Crew of the Daphne, as stated in No. 2 of the Accompanying Papers; an Investigation accordingly took place before the Bench of Magistrates, the result of which was, that he was Committed to Gaol until further proceedings should be adopted. Attested Copies of the Depositions taken before the Judge Advocate on this occasion are now transmitted to Your Lordship.

1814.
17 Jan.

Capture of the
Queen Charlotte
and Daphne
by natives.

Restoration
of the Queen
Charlotte.

Recapture of
the Daphne.

Natives' action
in revenge for
cruelties
practised.

Theodore
Walker held
responsible for
execution of
lascar.

1814.
17 Jan.

Judge-
advocate's
opinion *re*
competency of
courts to try
Walker.

Admission of
Walker to bail.

Having demanded the Opinion of Mr. Bent, the Judge Advocate, on the proper Measures to be adopted on the Occasion, and required him to state before what Court in this Colony the Prisoner Could be legally brought to Trial, I have obtained his Opinion that there is no Court in this Colony Competent to try him, and he has advised that the Matter should be referred Home to Your Lordship for full Instructions. A Copy of the Communications between the Judge Advocate and my Secretary on this Subject are sent herewith for Your Lordship's perusal.

In Consequence of this Opinion of the Judge Advocate I feel myself obliged to solicit Your Lordship for full Instructions with respect to the Measures to be further pursued by me in this Case. I beg to add that the Prisoner, Walker, having Solicited Me by Memorial (a Copy of which, with the other Documents I forward herewith) for Relief from his Sufferings by Confinement &c., I referred the same to the Judge Advocate, and required his opinion on the Propriety of Admitting the Prisoner to bail, on giving Suitable Securities to be answerable for his personal Appearance, when Called upon. This opinion being in favor of the Prisoner's being admissible to Bail, I gave orders accordingly, and He is now Enlarged upon entering into Recognizance, himself in £500 and two Sureties each in £250, for his personal Appearance Whenever he shall be Called upon. Copies of the Letters which passed on that Subject between My Secretary and the Judge Advocate are transmitted herewith.

The Importance of the Subjects I have now brought before Your Lordship will, I trust, sufficiently excuse my having entered so much into Detail upon them, and I hope the measures I have Adopted and Sanctioned will meet Your Lordship's Approbation.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PROCLAMATION.

By His Excellency *Lachlan Macquarie*, Esquire, &c., &c.

Proclamation of
bond required
for shipping
trading in the
South Seas from
Port Jackson.

WHEREAS many, and, it is to be feared, just Complaints have been lately made of the Conduct of divers Masters of Colonial and British Ships, and of their Crews, towards the *Natives* of *New Zealand*, of *Otaheite*, and of the other Islands in the *South Pacific Ocean*; And whereas several Ships, their Masters, and Crews, have lately fallen a Sacrifice to the indiscriminate Revenge of the *Natives* of the said Islands, exasperated by such Conduct. And Whereas the Lives and Properties, not only of His Majesty's Subjects, but of the Subjects of other Powers touching at such Islands, are likely to be put in continual Jeopardy, and the further Trade and Intercourse with the said

Islands greatly endangered, if not wholly prevented, unless some effectual Measures are taken to prevent the Continuance of a Conduct and Behaviour at once repulsive to Humanity and Interest: *It is therefore hereby ordered* and declared by *His Excellency the Governor*, that from and after the first Day of January next ensuing the Date hereof, no Ship or Vessel, either of British, India, or Plantation Registry, shall be suffered to clear out from this Port, or any other Port within the Territory of New South Wales, for New Zealand, or any Island or Islands whatsoever in the South Pacific Ocean, or South Seas, unless the Master of the said Ship or Vessel, if of British or Indian Registry, and the Master and Owners of the said Ship or Vessel, if of Plantation Registry, shall become bound by his and their Deed or Deeds in Writing, to be signed with his or their Seal or Seals, to the Naval Officer (for the Time being) of this Port, or of such other Port in this Territory as such Ship or Vessel may clear out from, in the Penal Sum of *One Thousand pounds* Sterling, to be paid to such Naval Officer, his Executors, Administrators and Assigns, to and for the Use of His Majesty, upon Breach of which Condition thereunder to be written, which Condition shall be as follows, that is to say:—

“Whereas the Ship or Vessel called the.....ofRegistry, whereof.....is Master, andis (or are) Owner (or Owners), is about to be cleared out for New Zealand, or for the South Seas, or for some or one of the Islands in the South Seas, pursuant to a certain Proclamation of His Excellency the Governor bearing Date the first day of December, 1813.”

“Now the Condition of this Obligation is such, that if the above bounden.....Master of the said Vessel, and the Officers and Crew of the said Vessel, shall each and every of them peaceably and properly demean themselves, and be of their good Behaviour towards the Natives of New Zealand, or of such of the Islands in the South Seas as the said Vessel may touch at in the Course of her Voyage; and if they shall not commit any Acts of Trespass upon the Plantations, Gardens, Lands, Habitations, Burial Grounds, Tombs or Properties of the Natives of the said Islands, or any of them: And if they shall not make War, or cause War to be made upon them, or in any way interfere in the Disputes, Quarrels, and Controversies of the said Natives, or stir up, excite, or foment any Animositities among them: And if they shall leave the Natives of the said Islands to the free, uninterrupted, and undisturbed Enjoyment of their religious Ceremonies, Rites, or Observances: And if the said Master, Officers, or Crew, or any of them, shall not Ship any

1814.
17 Jan.

Proclamation of
bond required
for shipping
trading in the
South Seas from
Port Jackson.

1814.
17 Jan.

Proclamation of
bond required
for shipping
trading in the
South Seas from
Port Jackson.

of the *Male* Natives of any of the said Islands, or take away any such Natives from any such Islands without their free Will and Consent, and the free Will and Consent of their Chiefs, Parents, or others to whom they may be subject: And if the said Master, Officers, and Crew, shall not ship or take away any of the *Female* Natives of the said Islands from the said Islands without such free Will and Consent as aforesaid, and also without having first obtained the Consent and Approbation in writing of *His Excellency* the Governor of this Territory or other Person actually administering the Powers of Government in the same; and in Case the Master or Commanding Officer of such Vessel shall, by and with such Consent as aforesaid, ship any Male Native or Natives of any of the said Islands, either as a Mariner, or Diver, or for any other Purpose whatsoever, then and in that Case, if the said Master or Commanding Officer shall discharge from the said Vessel all or any such Male Native or Natives so shipped on board the same, wheresoever he shall be requested by him or them so to do, first paying him or them such Wages or Price as may lawfully or reasonably be due to him or them for his or their Services at the Time of such Discharge, then this Obligation to be void and of no Effect; otherwise to remain in full Force and Virtue."

And Whereas the Natives of all the said Islands are under the protection of His Majesty, and entitled to the good Offices of his Subjects, all Persons whatsoever charged by the Oaths of credible Witnesses with any Acts of Rapine, Plunder, Robbery, Piracy, Murder, or other Offences against the Law of Nature and of Nations, against the Persons and Properties of any of the Natives of any of the said Islands, will, upon due Conviction, be further punished with the utmost Rigour of the Law.

Given under my Hand, at Government House, Sydney, this first Day of December in the Year of Our Lord One thousand, eight hundred and thirteen.

LACHLAN MACQUARIE.

God save the King!

By Command of His Excellency,

J. T. CAMPBELL, Secretary.

[Enclosure No. 2.]

MR. W. HENRY TO GOVERNOR MACQUARIE.

Sir,

Island of Eimeo, 16th November, 1813.

I have the honor to address Your Excellency by Means of the Brig James Hay, Captain Campbell, who arrived here Yesterday from the Pearl Islands, And is to Sail from hence for the Colony on the Morrow.

Visit of brig
James Hay
to Eimeo.

By the good Providence of God, having a fine and quick Passage We Safely Arrived here the 19th of September. On the preceeding day we reached Matavia in Otaheite, And from King Pomare who, with a few of his Attendants, Came off to Us (We not having Wind to fetch the Harbour) received the Melancholy intelligence of the Capture of the Queen Charlotte and Daphne, and Murder of Mr. Michael Fodger, Master of the latter Vessel, and part of the Crews of both by the Natives Employed as Divers who were Chiefly Reiateans. I was happy, however, to learn that the Queen Charlotte has been recovered by the King and restored to Mr. Shelly the Master, And that the Daphne had been retaken by the Colonial Brig Endeavour, Mr. Theodore Walker, Master, and taken by him to the Colony. As the Missionaries informed me they have written to Your Excellency by the said Mr. T. Walker, who Sailed from this Island for the Colony a few days before my Arrival, And given a full Account of the above unhappy Affair, I need not in this descend to particulars.

1814.
17 Jan.

Capture of the
Queen Charlotte
and Daphne.

Restoration
of the Queen
Charlotte and
recapture of
the Daphne.

A transaction however, which I am informed took place in the Bay of Matavia, immediately After the recapture of the Daphne by the foresaid Brig Endeavour, I conceive it my duty to Notify to Your Excellency in this. One of the Crew of the Daphne, a Lascar who Joined the Divers and was very Active in the taking of that Vessel And Murder of the Master and that part of the Crew who fell Sacrifices to their Savage Cruelty on the Occasion, and who Consequently justly deserved to die, was by the Master and Crew of the Endeavour put to Death with a degree of Cruelty not exceeded by the Savage Divers in their Massacre. I think the Said Lascar ought to have been taken a prisoner to the Colony, And there Condemned by His Majesty's Judge Advocate and Suffer the Penalty of the Law. Mr. George Bicknell, Nephew to Mr. Henry Bicknell Missionary, who Shipped With Mr. Fodger here as Carpenter during his Stay among the Islands, And is One of those who happily escaped the Massacre, And An Eye Witness to the above transaction, gave Me the Information Concerning it.

Execution of
a lascar by
Theodore
Walker.

Were Pomari as formerly in Supreme Authority, there is Every reason to believe these Awful disasters would not have taken place; The Reiateans and all now well know that they have no Cause to fear him, he not having it in his Power to Avenge any Act of this kind. Indeed we ourselves are in imminent danger in Consequence of his Want of Power to protect Us. A few days ago we received Secret Information that it was the intention of a Party of the Bolubolans, who have not gone to

Consequences of
Pomarre's loss
of power.

1814.
17 Jan.

Plot to
massacre the
missionaries.

Otaheite to the great Meeting of the Chiefs and People that is now held there (in which it is expected the King's fate respecting the Government will be determined), to fall on Us and plunder Us of our Property if not kill us, Should they hear that the result of the Meeting is against the King, or perhaps before then, And Set off to their Own Island. This has much Alarmed and excited Our fears, but we Cannot see it our duty to leave our Station at present, though An Opportunity of so doing Now Offers, as the Lord has begun to Crown our poor Efforts for the Conversion of these heathens with Success. A Considerable Number of them, being brought to Embrace Christianity, Attend the Worship of the true God and Means of instruction.

The Europeans, I in a former Letter informed Your Excellency were then on the Island of Toubonai, left that Island in the Daphne a little before the awful disaster of her Capture took place; they were Six in Number, and glad to leave it receiving but Scanty Supplies from the Natives. What Number there are upon the Leeward Islands I cannot ascertain. There are none of His Majesty's Subjects or Others beside the Natives that I know of, residing on this Island or Otaheite but Our Own Society.

I have, &c.,

W. HENRY.

Compared :—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

MR. JOHN DAVIES TO GOVERNOR MACQUARIE.

Sir,

Eimeo, 11th Sept., 1813.

As we understand that the Daphne, late under the Command of Capt. Fodger, and the Brig Endeavour are about departing for the Colony, we have again presumed to send a few lines to your Excellency, knowing from past experience of your Kindness that you feel interested in our welfare. In respect to ourselves we have nothing interesting to Communicate. Your Excellency no doubt will be informed of the disasters which befel our Countrymen among these Islands. The Queen Charlotte, under the Command of Mr. Shelly, was taken at the Pearl Islands by a party of Raiateans, whom he had shipped as Divers, the leading man was Faanuche, a Man that had been at Port Jackson; the two mates and another Man were most barbarously murdered, and tho' the Murderers had spared Mr. Shelly's Life and permitted him to navigate the vessel back to Taheite yet they had no intention of giving it up, his recovering it was entirely owing to Pomare's exertions and influence, who acted most honorably in the business Considering the state of his own affairs. Mr. Shelly has departed again for the same Islands,

Capture of the
Queen Charlotte
by natives.

Restoration
of the Queen
Charlotte.

Europeans
resident in
the islands.

and we hope he will be safe as he has some trusty men with him from Pomare. An American Vessel touched at Taheite in her way home from China. She behaved friendly to Mr. Shelly and Capt. Walker of the Endeavour who were there at the same time. Mr. Shelly had scarcely left us when we received the dismal tidings that the Daphne had been also taken by a party of Taheitans on board, and the Commander murdered with some of the men. We are glad that Mr. Walker Succeeded in Capturing the Vessel and also the plunder they were taking on shore; he happened to meet the Daphne as she was coming to Matavia Bay. These things are alarming and we know not what effect, they may have on our future safety among the Islanders—one thing we are all well persuaded of, that if Pomare were now in power, as formerly, these things would not have happened. Now these Depredators and Murderers are emboldened to do more Mischief seeing there is nobody to call them to an account. Perhaps your Excellency may think of some expedient that may check these proceedings, and conduce to the safety of Vessels coming to trade here, and which might likewise be of advantage to us.

1814.
17 Jan.

Capture of
the Daphne.

Her recapture.

Consequences of
Pomare's loss
of power.

As to our Missionary proceeding we have had more encouragement of late than we have had before. Many are desirous of Instruction, and our School is well attended; having nothing more to add, we Conclude with our Kind respects to Mrs. Macquarie and praying that your Excellency may share in the blessings of Time and of Eternity.

Progress of
missionary
enterprise.

We remain, &c.,

JOHN DAVIES,

for the Missionaries.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

DEPOSITIONS AND PAPERS RELATING TO TRANSACTIONS IN THE SOUTH SEA ISLANDS.

[1] *Deposition of Peter Dillon.*

Territory of New South Wales, Cumberland.	{ Before D'Arcy Wentworth, Esquire, one of His Majesty's Justices of the Peace in and for said Territory.	Deposition of Peter Dillon re encounter with natives at the Fiji islands.
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THE Deposition of Mr. Peter Dillon, late third Officer of the Ship Hunter, Captain Robson, and now Master of the *Elizabeth*, Cutter laying in Sydney Cove; who being duly Sworn, Sayth, that some time in the Month of January last this deponent

1814.
17 Jan.

Deposition of
Peter Dillon
re encounter
with natives
at the Fiji
islands.

shipped himself on board the Ship Hunter at Norfolk Island, as third Officer, and sailed in the aforesaid Ship to the Feejee Islands, which place they reached in the Month of February following; but prior to their having reached the Island of Ilai, one of the Feejee Islands, the Ship grounded on a reef off Louthou; during the time of her being so aground, She lost her false keel and sustained other Material damage. Sayth that after the aforesaid Accident the Ship proceeded to Ilai, at which place they lay some Months prior to the Elizabeth Cutter, which Deponent now has the Command of, arrived; shortly after which the Ship was visited by several Europeans, which were distributed amongst the Natives of those Islands, and with whom Captain Robson agreed to assist his Crew in procuring Sandal Wood and Beech le Mer. Sayth that Captain Robson accompanied deponent, the aforesaid Europeans who were living with the Natives, and several other hands from the Ship Hunter, to a place called *Camba* near the Island of Bow, to procure Beech le Mer; Sayth that deponent and the aforesaid Persons, except Captain Robson (who returned to the Ship), remained at *Camba*, procuring Beech le Mer for some time, when Captain Robson came to take deponent and the rest of the Crew away, when he informed the Europeans, before mentioned, that he had brought no Trade with him to pay for the assisting his Crew in procuring the aforesaid Beech le Mer, but desired them to go to the Ship and he would there satisfy them and the Natives also who had assisted. Sayth that Deponent then went on board the Cutter, accompanied by Captain Robson and some of the Europeans belonging to the Islands, together with the hands belonging to the Hunter (One of the Crew belonging to the Cutter and two of the Europeans belonging the Islands took each of them a Native Woman on board); Sayth that having reached the Ship, Captain Robson was desired by the Natives to go with the Cutter to the Island of Mudwater, as there was a large quantity of Sandal Wood there procured for the Ship and to which place Captain Robson went, accompanied by some of the Ilai Canoes, and having arrived at the aforesaid place (Mudwater) they found the information was unfounded, as there was only three small boat Loads of Sandal Wood procured, instead of the quantity Mentioned; Sayth that shortly after *Charles Savage*, a European belonging to those Islands and who had assisted Deponent in procuring the Beech le Mer, arrived at Mudwater in a Bow Canoe and made his business known to Captain Robson, and brought a Message from Mr. Norman, Chief Officer of the Ship Hunter (but whether it was a Written or Verbal Message

Deponent knows not); Sayth that a day or two after Savage's arrival Captain Robson ordered the Cutter to be got under Weigh with an intention of proceeding to the Ship, prior to which Captain Robson, from Savage's information had detained One of the Natives on board the Cutter, and had sent Seven or eight others in a Canoe to the Ship with a Letter to the Chief Officer directing him to confine the whole of them on board. Sayth that being under Weigh and proceeding on their Passage to join the Ship a large Quantity of Canoes entered the Bay, all well Manned and Armed, upon which from Orders given by Captain Robson they were attacked and as many taken as could, which Number so taken amounted to either fourteen or Sixteen, and during the Attack one of the Natives were killed. Sayth that a Chief belonging to Mian Boor, being considered by Captain Robson as having no knowledge of the intentions of the other Natives of attempting to take the Cutter, four Canoes belonging him and taken were accordingly given up and the remainder broke and sunk. Sayth that on the Evening of this day a Canoe arrived from the Ship Hunter bringing a Letter from Mr. Norman the Chief Officer, the purport of which was, as deponent has been informed, to let Captain Robson know he, Mr. Norman, had been on Shore that Day at the Town of Ilai and had *burned* a part thereof, and that some of the Natives had been killed also. Sayth that on the following day the Cutter arrived at the Ship and the next Morning after got all Clear for heaving the Cutter down. Sayth that the Cutter being all clear for heaving down Captain Robson ordered three Boats to be Manned and Armed, the charge of One of the Boats being given to Mr. Norman, Chief Officer of the Hunter, charge of the Second Boat to Mr. Cox, who was then Master of the Cutter, Mr. Ballard being off duty, and charge of the third Boat to Deponent, and the orders deponent received from Captain Robson on quitting the Ship was to land at the black rock and assist Mr. Norman. Sayth that Deponent Suspecting the design he left two of the Crew in his Boat, landed the remainder, and proceeded to join Mr. Norman and Cox; which having done Mr. Norman remarked to Deponent that it was too low tide to get the Canoes out of the Creek, upon which it was agreed to proceed towards the Town, and on the Way Several of the Natives appeared Waving their Spears and Clubs in a threatening Manner, upon which Several Houses were set on fire by the Party but one was Set fire to by Mr. Norman by putting a Pistol primed into the thatch and firing it; immediately after the hutts being so on fire, a Native drum beat and a little time after the whole party was Surrounded by a Numerous Army of Armed Men; upon which they

1814.
17 Jan.

Deposition of
Peter Dillon
re encounter
with natives
at the Fiji
islands.

1814.
17 Jan.

Deposition of
Peter Dillon
re encounter
with natives
at the Fiji
islands.

were informed by the Chief of Bow that the Ilaians were killing his People and ours on the low Lands; upon which the party made towards the Spot determined to defend themselves so long as life remained, and, on the Arrival there, found the Body of Terrance Dunn, a European who resided amongst those Natives Nearly dead; Sayth that the Party having separated, Deponent and several others made towards a Hill, and which having gained Accompanied by five others (the remainder having been killed in the attempt) were attacked furiously by the Natives whom Deponent and his small party engaged keeping up a constant fire of Musquetry, and some time after a Priest Ventured up the Hill, when deponent informed him if him and his party were saved that the eight Natives on board the Ship Hunter should be restored to them, and deponent sent one of his Party with the Priest for that purpose, and a Cessation of Arms took place. Sayth that, the Priest being gone, several of the Chiefs came up and entreated deponent and his party to go down and which request he peremptorily refused, but two of the Party, Charles Savage and a China Man, both of whom had been living with the Natives, contrary to deponent's Orders, ventured down amongst them and whom they Suffered to Walk about some time unmolested, entreating deponent and the two others to go down also, and finding Deponent would not consent they killed those two which were down. Sayth they then again commenced a furious Attack against Deponent and the other two and against which attack they defended themselves, until the Arrival of the aforesaid Priest and the Eight Native prisoner Men from the Ship, who in Company Surmounted the Hill and informed Deponent that it was Captain Robson's order for him and party to go on board and to deliver up their Arms to the party. Deponent informed him he would not give up his Arms, and during the time of his Speaking to his People Deponent availed himself of an Opportunity and put his Musket to his back, desired him to March before him to the Boat, or otherwise he Deponent would shoot him; Accordingly he did so, directing his people not to Molest deponent and the remaining two of his party and who Arrived safe to his Boat, and deponent proceeded on board the Ship Hunter. Sayth that on the following day deponent took some trade in a Boat and went near to the Shore, if possible to purchase the bodies of those killed by the Natives, and was informed that the Bodies had been eaten on the Evening before. Sayth that he then returned and informed Captain Robson of the aforesaid Circumstance and who immediately ordered the Ship and Cutter to be got under Weigh, and

they proceeded on their passage amongst the Islands the charge of the Cutter being given to Deponent. Sayth that some days after three Native Women, who were on board the Hunter, were put on board the Cutter by order of Captain Robson and to Land them on Passage Island. On the Arrival at which place Captain Robson said it was unsafe and would not Suffer a boat to be got out. Sayth that Deponent then proceeded to the Island of Topie in Company with the Hunter, at which place a European Man and a Woman, belonging the Feejee Islands, and a Lascar, who had long resided among those natives, were by their own request Landed, having obtained permission from Captain Robson to that effect, but the other two Native Women, having refused to go on Shore, fearful of the Natives of that Island as they were a different race of people from those belonging the Feejees. Sayth that in a few days after deponent parted Company with the Ship Hunter for Port Jackson, but prior to parting Company directed Captain Robson to Mention in his Letter to Government at this Place the Cause of the two Native Women belonging the Feejees now being on board the Cutter, informing him that he deponent would provide for One.

1814.
17 Jan.

Deposition of
Peter Dillon
re encounter
with natives
at the Fiji
islands.

PETER DILLON.

Sworn before me, this 6th day of November, 1813,—

D. WENTWORTH, J.P.

[2] *Deposition of Abraham Hendrick.*

New South Wales, }
County of Cumberland. } Abraham Hendrick, Mariner, now of
Saith that in the month of September, in the Year One Thou- } the Brig Daphne lying at Sydney
sand Eight hundred and Twelve, he shipped on board the Brig } Cove, Port Jackson, Maketh Oath and
Daphne, Michael Fodger Master, Sailed from Port Jackson in }
the Month of September Aforesaid; touched at New Zealand, }
from thence made the Palmerstone Islands, where the said }
Michael Fodger had theretofore, in the Year One Thousand, }
Eight hundred and Eleven, left Six Europeans, four of whom }
were Englishmen and two Portuguese. One of these men swam }
off to the Brig Daphne, and when she was about Seven Miles }
off Shore informed Captain Fodger that John Bearback the }
principal of the Gang and One Michael Cuff were killed, Another }
was Speared thro' the back, and the Man that Swam off ran into }
the Woods and there remained until the Daphne made the }
Island, having been on the Island thirteen Months. Captain }
Fodger would not remain in Order to get Off the remainder of }
the Gang, altho' his Crew requested him to do so, and offered }

Deposition of
Abraham
Hendrick re
voyage of the
Daphne under
Michael Fodger.

1814.
17 Jan.

Deposition of
Abraham
Hendrick *re*
voyage of the
Daphne under
Michael Fodger.

to leave their Wages and live upon half Allowance while he should remain Off the Island. The Man who swam off informed Captain Fodger that it was the Portuguese murdered Bearback and man; from thence the Brig Daphne proceeded to Ulitia, one of the Society Islands, and there procured a Supply of Pork; from thence made the Island of Bolabola, and procured some more Pork, and were informed that the Ulitians intended to Attack Captain Fodger in the Brig Trial the Voyage before; here Captain Fodger Shipped two Europeans, who were left on the Island by some Other Vessel; from Bolabola touched at the Island of Eimeo where the Man who Swam Off at the Palmerstone Islands was left with Mr. Henry, the Missionary, to give information relative to the Men Murdered at the Islands; from Eimeo made the Island of Otaheita, there shipped Six Natives as Divers; from thence made the Island of Arma, One of the Pamoritu Islands, and there Shipped five Natives and a Lascar, Named Amill; from thence made the Pearl Islands and procured a quantity of Pearls and Pearl Shells; being Short of Provisions the Daphne proceeded to Otaheita to procure a Supply; the Six Natives, before shipped there, not being paid for their Services by Captain Fodger, ran ashore. The Europeans of the Crew Complained of the bad Provisions given them. Captain Fodger Ordered five of the Europeans to be turned on Shore without provisions or Clothes, directed his Mate to Shoot the first Man that would go below for his Clothes or Things. One Man Henry Williams was Shot by Fodger thro' both thighs, and Another was wounded with the butt End of a Pistol. The Names of these People are William Ralph, George Roberts, John Can, James Welsh, and William Gerrard; at length he allowed them to take their Clothes and told a Native Chief to send his Men after these Europeans to Strip them, and beat their brains Out with Stones. (This Deponent Saith that he Saw this Circumstance Stated in the Journal of Mr. Davey, An Officer of the Brig Queen Charlotte, William Shelly Master, as reported by the Natives); at this Island, Otaheita, Captain Fodger Shipped fifteen other Natives as Divers; from thence Sailed to the Island of Tabooway, there shipped five Europeans formerly belonging to the Brig Trial; from thence made the Island of Roorootoo and Shipped three Natives there; from thence made an Island called Rematerra. Three Canoes, very small, came off to the Ship, there were Eighteen Natives, the Canoes were so Small that the Natives were obliged to Swim alongside them; they brought some fruit, Bananars, Yams and Plaintains; the Captain invited them on board, they quitted the Canoes, let them adrift, Came on board. These Islanders Appeared as if they

had never before seen White People; they addressed the Europeans with the greatest reverence, fell down Clasped, and kissed their feet; they got a small bit of Iron hoop and Pearl Shell Each for their fruits, their Canoes were Swamped Alongside. The Brig was Standing Out to Sea; it blew fresh; the Land was about Seven Miles distant; the Captain Ordered the Mate to turn these Islanders out of the Ship which was done in a very Cruel Manner; they were beat with a Ropes End turned over the Ship's Side and while Clinging to the Ship their hands were beaten; they then swam to their Canoes which were already Swamped, and fourteen out of the Eighteen were drowned at a short distance from the Vessel. And this Deponent remonstrated with the Captain, Saying these Men would be drowned unless they were assisted, and upon a Tack being made towards where the Canoes were, it was too late they having been drowned; from thence the Brig made the Island Leevoovoi; the Chief of the Island Came on board and offered to sell Captain Fodger Some Sandal Wood for English Cloths; the Captain Offered him a few Tokeys; these the Chief refused to take; the Captain made a prisoner of the Chief and told him he should not go on Shore until all the Sandal Wood the Chief had should be brought off; in the Same Canoe with this Chief were two other Chiefs; He fired a Musket at the Canoe to Seize them also, but they Escaped. Captain Fodger kept the Chief Prisoner until next day when his Subjects brought off all the Sandal Wood they had, about a Ton and half; he then liberated the Chief and gave him only two puppy Dogs and a piece of bad Otaheita Cloth; from this Island, proceeded to the Island of Anna and there Shipped four Men, and from thence Came to the Island of Arnon; on the Twenty Eight of August the Taheitan and other Coloured Men of the Crew mutinied, they killed Captain Fodger, William Gill and Christian Kissarky. Vanderkiste, the Chief Mate, was Severely wounded and Escaped out thro' the Cabin Window into the Boat; four others were wounded, three more Escaped to the Shore; the Next day the Mutineers put the wounded Men on Shore. These, with the Men who escaped, were left on Shore eight in Number, Mr. Vanderkiste, John Mellow, Edward Collyer, John Queen, Robert Boways, Joseph Shell, Jerry Thompson and John Riley. Seven of the Crew were Spared, Six of whom were Europeans and One Lascar; the Mutineers Compelled these Men to Navigate the Brig to Otaheite, and left the Said Eight Men on the Island altho' Earnestly requested to bring them off. The Mutineers told the remaining Europeans if they persisted in Asking to bring these men, Themselves should be Murdered. The Island of Arava, where the Men were

1814.
17 Jan.

Deposition of
Abraham
Hendrick re
voyage of the
Daphne under
Michael Fodger.

1814.
17 Jan.

Deposition of
Abraham
Hendrick *re*
voyage of the
Daphne under
Michael Fodger.

left, is quite desert and barren, And they were left without any Means of procuring Subsistence not Even a fish hook. The Brig arrived at Matavia Bay, Otaheita, on the Thirty first of August shortly after the Brig Endeavour of Sydney Cove, Theodore Walker, Master, came alongside. He was informed of the Mutiny and distress of the Daphne; in the Course of the Night the Mutineers fired on the Endeavour the fire was returned and Continued about two hours and half; after it had ceased, in the Course of the Night the Mutineers quitted the Ship; about Day break Captain Walker made a Signal, and, being informed by the Europeans that the Mutineers were gone, Came on board with an Armed Party; *upon Searching, Amill*, the Lascar, who was very Active in the Mutiny, was found. Captain Walker carried him on board the Endeavour, where he was immediately hanged on the Yard Arm by Walker's Order; and, while hanging and yet alive, a Pistol loaded with large Shot was fired into his Side; Sailed from thence to Eimeo to repair, and the Crew begged Captain Walker to go back to relieve the Eight Men left at Arava, but he could not, the Wind being Contrary; from thence Came to Port Jackson.

ABRAHAM HENDRICK.

Sworn before me at Sydney, New South Wales, the 16th day
of November, 1813,—

SAML. MARSDEN, J.P.

[3] *Deposition of John Jones.*

Affirmation of
Hendrick's
affidavit by
John Jones.

JOHN JONES, Seaman of the Brig Daphne, Maketh Oath and Saith, that He this Deponent was Employed as Seaman on board the Brig Daphne all the time in the foregoing Affidavit of Abraham Hendrick Stated, and that the Said affidavit is true and Correct in Substance and Matter of fact.

JOHN JONES.

Sworn before me at Sydney, New South Wales, the 16th day
of November, 1813,—

SAMUEL MARSDEN, J.P.

[4] *Deposition of Thomas French.*

Deposition of
Thomas French.

THOMAS FRENCH, Seaman of the Brig Daphne, Maketh Oath and Saith, that the foregoing Affidavit of Abraham Hendrick has been read Over to him; that this Deponent Shipped on board the Daphne at the Island of Tabooway, as thereinmentioned, and that the Same, as far as relates to the facts after this Deponent Shipped as Aforesaid, are true and Correct, Save that the

Deponent does not recollect whether Amill the Lascar was hanged on the Yard Arm of the Endeavour or Daphne Brig. But was hanged on One or Either.

1814.
17 Jan.

Deposition of
Thomas French.

his
THOMAS X FRENCH.
mark

Sworn before me at Sydney, New South Wales, the 16th day of November, 1813,—

SAML. MARSDEN, J.P.

[5] *Deposition of John Randall.*

JOHN RANDALL, of the Brig Daphne, Maketh Oath and Saith, that the foregoing Affidavit of Abraham Hendrick has been read over to this Deponent, and that this Deponent Shipped on board the said Brig at the Island of Otaheita as therein Stated. and that the Same, as far as relates to the facts Stated Since this Deponent Shipped as aforesaid, are true and Correct.

Affirmation of
Hendrick's
affidavit by
John Randall.

his
JOHN X RANDALL.
mark

Sworn before me at Sydney, New South Wales, the 16th day of November, 1813,—

SAML. MARSDEN, J.P.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

[1] *Captain Glenholme to Mr. Peter Dillon.*

Sir, Naval Office, Sydney, 5th Novemr., 1813.

I am commanded by His Excellency the Governor to require from you for his information, in a full and satisfactory manner, the reasons of your having brought from their Native Country two black Women, that are now on board of the Vessel that you Command, and that you shall attend at the Office of the Police Magistrate tomorrow, to depose upon Oath, what, to your knowledge, led to an Affray at the Feejee Islands with some of its Natives, and the hands of the Hunter, Indian Ship, — Robson Master.

Dillon to
explain presence
of native women
on the
Elizabeth.

Yr. Obt. Servant,

H. GLENHOLME, Naval Officer.

[2] *Mr. Peter Dillon to Captain Glenholme.*

Sir, Sydney Cove, 6th November, 1813.

Agreeable to your Letter of yesterday, and the commands of His Excellency the Governor therein mentioned, I this Morning waited on D'Arcy Wentworth Esquire, Superintendent of Police, and have deposed upon Oath every Circumstance which lead to that unfortunate affray at the Feejee Islands by some of the Officers and Crew together with some Europeans which

Affidavit made
by Dillon before
Wentworth.

1814.
17 Jan.

Reference
requested to
Robson's letter.

had long resided on those Islands and the Natives; Also the Cause of the Women not being left at the Feejees or landed at Topie, whereat two European Men and One Native Woman was landed, and if I could beg the favor of you to refer to Secretary Campbell, he will no doubt produce a Letter from Captain Robson, which will satisfy you in every particular.

I remain, &c.,

PETER DILLON,

Master of the Elizabeth Cutter.

Deposition of
Thomas French
re capture and
retaking of
the Daphne.

[3] *Deposition of Thomas French.*

New South Wales.	{	The Information of Thomas French, Mariner, taken upon Oath before Ellis Bent, Esquire, His Majesty's Judge Advocate for the Territory of New South Wales, and others, His Majesty's Justices assigned to keep the peace in the said Territory, at Sydney on the fourth day of December, One Thousand, Eight Hundred and Thirteen, who, being first duly sworn, saith:—
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I belonged to the Brig Daphne; I shipped at an island called Tooboowy about two days sail from Otaheite; Michael Fodger was Master of the Daphne, when I shipped on board her. Amile, the Lascar, was then on board; some time after this on the 28th day of August last the native divers on board the Daphne mutinied; Amile mutinied with them; I saw him as active in the mutiny as any man on board; I saw Captain Fodger knocked down by a blow over the head and killed; his things were afterwards stripped off, and he was thrown over board; Six of us were saved to bring the Vessel to Otaheite. The Vessel was brought to an Anchor in Matavai Bay on the 31st of the same Month; Hendrick and Bicknell navigated her—A number of Canoes came alongside, and the Natives took whatever they could lay hold of. The Endeavour, Captain Walker, came into the Bay about an hour and a half after us: He anchored within Pistol Shot of us; Bicknell hailed him and informed him of the State we were in. At night the Natives began to remove things in boats; Captain Walker was retaking one of these boats, when coming under the Daphne's bows with this boat in Tow, the natives began firing on him from the Daphne; as soon as they got on board they returned the fire from the Endeavour. The firing Continued about two hours and a half. One of the Natives on board the Daphne was wounded. Before break of day the natives left the Daphne. Amile told the Natives to fight well and take that Vessel, and then they would have two, and they

could go where they liked. I saw Amile assisting in taking them Powder and Ball. Amile was left on board. I believe he overslept himself. Captain Walker came on board the next day (the first of September) early in the Morning, and we pointed Amile out as the Murderer. He was hung; I cannot say whether on board the Daphne or on board the Endeavour. I did not hear Captain Walker or any other person give any directions for his being hung. He was pointed out to Captain Walker, as the Ring leader of the Mutiny on board the Daphne. I think the people were so exasperated by Amile's Conduct that they would have killed him, if he had not been hung: One of the Natives, who had not been concerned in the Mutiny, was allowed to go on Shore after the Daphne was retaken. Three persons were killed in the Mutiny on board the Daphne; Eight at the same time left on the desolate Island of Arava, without any means of subsistence whatever; they had not any fish hook; I never was on the Island; five of these were wounded.

1814.
17 Jan.

Deposition of
Thomas French
re capture and
retaking of
the Daphne.

his
THOMAS X FRENCH.
mark

Taken and Sworn the day and year before written before us:—

ELLIS BENT, Judge-Adv.	D'. WENTWORTH, J.P.
ALEXR. RILEY, J.P.	S. LORD, J.P.
W. BROUGHTON, J.P.	

A true Copy:—ELLIS BENT, J.-A.

[4] *Examination of Theodore Walker.*

THE Examination of Theodore Walker, Master of the Brig Endeavour, charged with the Wilful Murder of Amile, a Lascar, by causing him to be hung by the Neck until he was dead on board the said Brig then lying at Anchor in Matavai Bay, Otaheite, on or about the 1st day of September last past, taken before Ellis Bent Esquire, His Majesty's Judge Advocate for the Territory of New South Wales, and others His Majesty's Justices assigned to keep the peace in the said Territory, at Sydney, New South Wales, this Eleventh day of December, One Thousand Eight hundred and Thirteen, which said Examinant Saith that he denies the said Charge and that it is wholly untrue.

Denial of the
charge of
murder by
Theodore
Walker.

THEO. WALKER.

Taken at Sydney aforesaid on the day and year above written before:—

ELLIS BENT, Judge-Adv.	D'. WENTWORTH, J.P.
W. BROUGHTON, J.P.	S. LORD, J.P.
ALEXR. RILEY, J.P.	

A true Copy:—ELLIS BENT, J.-A.

1814.
17 Jan.

Deposition of
John Jones
re capture and
retaking of
the Daphne.

[5] *Deposition of John Jones.*

The Information of John Jones, taken upon Oath before Ellis Bent, Esquire, His Majesty's Judge Advocate for the Territory of New South Wales, and others His Majesty's Justices assigned to keep the peace within the said Territory, at Sydney on the fourth day of December, One Thousand Eight Hundred and Thirteen, who, being first duly sworn, saith:—

I belong to the Brig Daphne, of which Michael Fodger was master. I shipped at Sydney. We sailed from this Port in September, 1812, on a Voyage to the Islands in the South Sea for pearl shells. I was on board the Vessels, when the natives employed on board as divers Mutinied, and killed Fodger and two others. Amile the Lascar was at this time on board. He was one of the principal Mutineers. I saw Amile kill Kiskaskey, one of the seamen. He first gave him several thrusts with a spear and then knocked him in the Head with the thwart of a boat till he was tired and then helped to throw him overboard; The Daphne was then brought to Matavai Bay; myself, Hendrick, Ward, French, Randall and Bicknell were saved for this purpose. We arrived at Matavai Bay the 31st day of August. The Bay was full of Canoes; the Natives in large numbers came in them to the Vessel; they plundered the Vessel of every thing they could lay hold of; while they were doing this, the Endeavour arrived in the Bay, I mean the Colonial Brig Endeavour. Captain Walker was master of her, She came to Anchor very nigh us. Mr. Bicknell told Captain Walker that the Daphne was in possession of the Natives and begged of him not to leave him; In the Course of the Evening a firing took place between the Daphne and the Endeavour. It continued two hours, or two hours and a half. Amile at this time had a Carthage Box tied about his middle and a Pistol in his hand. He appeared to me to be Active in assisting the Mutineers; if his advice had been taken we should all have been killed. The Natives left the Daphne in the Course of the Night; Amile did not leave the Ship. In the morning Captain Walker took possession of the Daphne; upon Searching, Amile was found coming out of the Sail Room. He was brought on deck and he was pointed out to Captain Walker by the Men belonging to the Daphne, as the principal Murderer. The men belonging to the Daphne was going to kill him. Captain Walker said not, and so he was brought on board the Endeavour and hanged. I cannot tell whether he was hanged by Captain Walker's directions; he was

hanged at the request of both the ships' Companies, and richly he deserved it. It was all Captain Fodger's fault that the Ship was taken owing to the indulgence he gave to the divers on board. He ill used other Natives belonging to the Islands. Amile's body was thrown overboard.

1814.
17 Jan.

Deposition of
John Jones
re capture and
retaking of
the Daphne.

JOHN JONES.

Taken and Sworn the day and year above written before us:—

ELLIS BENT, Judge-Adv. WM. BROUGHTON, J.P.

ALEXR. RILEY, J.P. S. LORD, J.P.

D'. WENTWORTH, J.P.

A True Copy:—ELLIS BENT, J.-A.

[6] *Deposition of Abraham Hendrick.*

New South Wales. { The Information of Abraham Hendrick, Deposition of
taken upon Oath before Ellis Bent, Es- Abraham
quire, His Majesty's Judge Advocate for Hendrick re
the Territory of New South Wales, and capture and
others His Majesty's Justices assigned to retaking of
keep the peace in the said Territory, at the Daphne.
Sydney on the fourth day of December, One
Thousand Eight hundred and Thirteen,
who, being first duly sworn, saith:—

I sailed from this Port in the Brig Daphne about the 20th of September, 1812; Michael Fodger was Master of the Brig. In the Course of the Voyage we touched at different Islands in the South Seas, and from Otaheite took some of the Natives on board as divers. The Vessel was going upon the pearl fishery. We had on board one Amile a Lascar; he was shipped at Annah, one of the Pallisers Islands. Sometime afterwards the natives on board the Daphne, with this Amile, mutinied. I was on board at the time. Amile was one of the principal Mutineers. In the Course of that Mutiny, Captain Fodger was killed. He was killed along-side of me; he was not killed by Amile, but by an Otaheitean. Two others were killed, and one man speared very bad. This took place at an Island called Arava, one of the Palliser's, on the 28th day of August last. From thence the Natives brought the Vessel to Matavai Bay, Otaheite. Myself and four others were spared in Order to navigate the Vessel there. We arrived in Matavai Bay the 31st of the same Month of August. The Endeavour Brig, belonging to this Port, arrived there about an hour afterwards. Captain Walker was the Master of the Endeavour, and came with her. I do not know his Christian name. He hauled along-side the Daphne about Sixty Yards from her, and Mr. Bicknel from the Daphne hailed him and told him our situation. In the Course of the Evening, the Natives fired from the Daphne upon the Endeavour, the

1814.
17 Jan.

Deposition of
Abraham
Hendrick *re*
capture and
retaking of
the Daphne.

Endeavour returned the fire, which lasted on both sides for two hours and a half. Amile the Lascar was Active in firing on the Endeavour. I cannot say I saw him fire. The firing was with Musquetry. I considered Amile as bad or worse than the other rebels. He was very inveterate against the whites. The Mutineers left the Daphne in the course of the night. Amile did not leave the Vessel. He was down where the Sandal Wood was laying. I suppose he had assisted in handing the Sandal Wood out for I believe the natives took it away. Captain Walker fired again the following morning, but on being informed the natives had left the Daphne he ceased firing and took possession of her. Amile was found on board: he was pointed out to Walker as a murderer or a pirate by the rest. The same morning by the consent of both the Ships' Crews, Captain Walker ordered Amile to be hung. I mean that there was a common feeling among us that he ought to be hung, that he deserved it. We informed Captain Walker that he was the ring-leader of the Mutiny and had urged the Natives to kill us all. He was hung on the Yard Arm of the Endeavour by Walker's orders: Walker said Hang the Scoundrel hang the pirate directly, and he was hung up; while Amile was hanging, a pistol was fired at him. I cannot say who fired it, or whether he was wounded. He continued hanging about half an hour; his body was hove overboard. Captain Fodger was guilty of great acts of Cruelty on the Voyage towards the Natives. Captain Fodger was the cause of the Vessels being took by the Natives.

ABRAHAM HENDRICK.

Taken and Sworn the day and Year above written before us:—

ELLIS BENT, Judge-Adv.	D'. WENTWORTH, J.P.
ALEXR. RILEY, J.P.	S. LORD, J.P.
W. BROUGHTON, J.P.	

A true Copy:—ELLIS BENT, J.-A.

Deposition of
John Randall
re capture and
retaking of
the Daphne.

[7] *Deposition of John Randall.*

New South Wales.	{	The Information of John Randall, Mariner, taken upon Oath before Ellis Bent, Esquire, His Majesty's Judge Advocate for the Territory of New South Wales, and others, his Majesty's Justices assigned to keep the peace in the said Territory at Sydney on the fourth day of December, One Thousand Eight hundred and Thirteen, who, being first duly sworn, saith:—

I belonged to the Brig Daphne. I shipped on board of her at Otaheite at a place Tiraboo. Michael Fodger was then Master

of her. Sometime afterwards the natives, who shipped on board of her as divers, mutinied. The Captain was the first man as I see knocked down; he was killed and thrown over board. I do not recollect the date of this Transaction. Amile the Lascar was on board at this time. He was very active in the Mutiny, he was chief amongst it almost. I did not see him kill Kisasky, I was below at the time. Three Whites were killed in the Mutiny. Eight were left on the Island of Arava; five of these were wounded; some were put on the Island by Natives, the rest swam on shore. The rest of us, six of us, were saved to take the Vessel to Otaheite. On the third day of the morning, we came in sight of Matavai Bay, and got in late in the Evening. A great number of Canoes came off to the Ship immediately and afterwards took the property, the Sandal Wood and things, on shore as fast as they could. The Endeavour Captain Walker came in the same Evening. She came round us and Anchored just on our Starboard Bow. Mr. Bicknell hailed him and told him our Captain was killed and two of the hands, and the rest were put on Shore; Captain Walker said he would stay by us until the morning: soon after the natives on board the Daphne loaded the Whale Boat and sent her ashore. Captain Walker pursued her and took her. As they were towing the Boat back, the Natives fired on them from the Daphne, and Captain Walker returned the fire as soon as he got on board the Endeavour. The Natives jumped out of the boat and swam on shore before Captain Walker took the boat. The firing continued about two hours or rather better on both sides. One Native was wounded on board the Daphne. No damage was done, some grape shot went thro' the Bulwark of the Daphne: The Natives left the Daphne in the Course of the night, and Captain Walker and the Endeavour men took possession of her the next Morning. Amile and a native of one of the islands was taken on board her. The Native was allowed to swim on shore in the course of the day, he was not concerned in the mutiny. Amile was very active in the firing on the Endeavour. He encouraged the Natives as much as he could, and said how he would take Captain Walker's Vessel in a very short time; Amile was hung on the Endeavour's Yard Arm by Captain Walker's orders, and the wish of the Daphne's Ship's Company. I mean to say that they were glad he was hung because he was so Active in the Mutiny. I heard Captain Walker order him to be hung when he was told how Active he had been in killing the people. I do not know who hung him. He was hung in a quarter of an hour after he was taken. I heard the Daphne's people say that they would murder him. I

1814.
17 Jan.

Deposition of
John Randall
re capture and
retaking of
the Daphne.

1814.
17 Jan.

Deposition of
John Randall
re capture and
retaking of
the Daphne.

saw him hanging. I cannot say how long he hung, or what became of his body. I heard the people say they chucked him overboard, but I did not see it.

his
JOHN X RANDALL.
mark

Taken and sworn on the day and year aforesaid before us:—

ELLIS BENT, Judge-Adv. WILL. BROUGHTON, J.P.
ALEXR. RILEY, J.P. S. LORD, J.P.
D'. WENTWORTH, J.P.

A True Copy:—ELLIS BENT, J.-A.

[Enclosure No. 6.]

CORRESPONDENCE between Ellis Bent, judge advocate, and J. T. Campbell, secretary to the governor, relating to proposed trial of Theodore Walker.

[Enclosure No. 7.]

MEMORIAL OF THEODORE WALKER.

[Enclosure No. 8.]

CORRESPONDENCE between Ellis Bent, judge advocate, and J. T. Campbell, secretary to the governor, relating to proposed bail for Theodore Walker.

[Copies of these three enclosures are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1814." per ship Earl Spencer. *viâ* Ceylon; acknowledged by Earl Bathurst, 4th December, 1815.)

19 Jan.

My Lord, Sydney, New South Wales, 19th January, 1814.

General
despatch to
be forwarded
by the brig
James Hay.

1. It being my Intention to address Your Lordship in a detailed Despatch on the General Affairs of this Colony, accompanied by the usual public Documents, by the Brig James Hay, which is to sail direct from hence to England in the Course of about Six Weeks from this date, I shall on the present occasion only solicit Your Lordship's attention to a few points.

2. My last Despatch to Your Lordship was by the Phœnix, Whaler, in August last, the Duplicate whereof I transmitted by the Atalanta, Whaler, in September; since which time I have to Inform Your Lordship that on the 9th of October the hired Transport Earl Spencer, Mitchell Commander, arrived here, having on board a Detachment of the 73rd Regiment and 196 Male Convicts, all in good Health; the original Number of Convicts embarked was 200, out of which four died on the Passage; a Mr. Dickson and several other free Passengers arrived by this Ship.

Arrival of the
transport
Earl Spencer.

The Hired Transport, Wanstead, Moore Commander, arrived on the 9th instant with 117 Female Convicts, all in good Health; during the passage two Women died, making the Whole Number from England, 119 Women; and on the 10th instant, His Majesty's Colonial Armed Brig, Kangaroo, Commanded by Lieut't Jeffreys of the Royal Navy, arrived after a very tedious Passage of Seven Months and Eight Days from England, whence she sailed in Company with the Earl Spencer on the 2d of June. She touched at Madeira, Rio de Janeiro, and the Cape of Good Hope. Mr. Samuel Bradley, a free Settler, with his Wife, and Sixteen free Women, the Wives of Convicts, with a Considerable Number of Children, have arrived by the Kangaroo.

1814.
19 Jan.

Arrivals of
the transport
Wanstead and
brig Kangaroo.

3. In Consequence of this Delay in the Arrival of the Kangaroo, I have deemed it my Duty to require Lieut't Jeffreys to furnish me with a written Statement of the Causes which produced it, and I have now the honor to transmit a Copy of the Letter he addressed to me on that occasion for Your Lordship's Satisfaction.

Report on delay
in voyage of
the Kangaroo.

4. I have been Honored with Your Lordship's Letter of the 30th of April by the Transport, Earl Spencer, and with that of the 5th of August by the Wanstead, both on the Subject of the Removal of the 73rd Regiment from hence to Ceylon, but owing, as I presume, to some Accident or Mistake, I have not yet been Honored with any orders from His Royal Highness the Commander in Chief, relative to the Relief and Removal of that Regiment. Considering Myself, however, perfectly justified in acting upon Your Lordship's Instructions alone, I have, in pursuance of them, Embarked as many of the Soldiers of the 73rd Regt., with their Wives and Children, on board The Earl Spencer, as that Vessel Can Conveniently accommodate, and Conformably with the Terms of the Charter Party entered into by the Commissioners of the Transport Board with the Owners of that Ship. This Embarkation took place on the 17th instant; a Copy of their Embarkation Return accompanies this for Your Lordship's Information.

Orders received
for transfer of
73rd regiment.

Embarkation of
soldiers on the
Earl Spencer.

5. When the Transport Ships, Windham and General Hewitt, shall have arrived, and disembarked the 46th Regiment, and landed the Convicts, I shall lose no time in Embarking the remainder of the 73rd on board of them for Ceylon; but I beg to observe that it will be impossible to relieve the Out Posts until after the Arrival of the 46th, as the Royal Veteran Company, tho' strong in Numbers, is not at all Calculated to relieve the Troops Stationed at the distant Out Posts on Van Dieman's Land, where Strong and Active Men are required, they being old and Infirm.

Troops to be
embarked on the
Windham and
General Hewitt.

1814.
19 Jan.

Proposed
voyage of
transports *via*
Tasmania.

6. I am in Hope that the Transports will arrive in such time, as will enable them to take Advantage of the proper Season to proceed from hence on their further Voyages by What is here Called "The Western Passage" (that is either thro' Bass's Straits, or round the Southern Extremity of Van Dieman's Land), to Ceylon; and in that Case it is My Intention to send the Reliefs for Hobart Town and Port Dalrymple by them, and to order the two Companies of the 73rd to Embark from their respective Stations. By these Means a double Embarkation will be avoided, and Consequently a Considerable Expende Saved to the Crown.

Arrangements
for completing
the evacuation
of Norfolk
Island.

7. I had been long anxiously waiting the Arrival of the Colonial Brig Kangaroo, in order to the employing of her in the final Evacuation of Norfolk Island. A Superintendant and Gang of thirty five Men have remained there for the purpose of Slaughtering and Salting down the Flesh of the Cattle belonging to Government, which remained on the Island, and I have every Reason to suppose that this has been effected long since. For the last Six Months, the Colonial Brig, Lady Nelson, has been employed in making Successive Trips from thence to Hobart Town and Port Dalrymple, with Cargoes of this Meat, it being more required there than at Head Quarters. It is now my Intention to dispatch the Kangaroo immediately to Norfolk Island to render the Evacuation of it finally Complete by the Removal of the Superintendant and Gang, and at the same time to take on board all the remaining Stores and Provisions that may be worth the removing. This Duty will be Completed, I expect, in two Months from the present Date.

General
condition of
the colony.

8. It affords me great pleasure to have it in my Power to report to your Lordship that this Colony and its Dependencies continue in a State of perfect Peace and Tranquility, and in a very progressive State of Improvement. It also affords me particular Satisfaction to be Enabled to report to Your Lordship that the Expences of the Colony are greatly reduced, and Unless a Season of Scarcity, such as is unfortunately now to be dreaded, should occur, the Expences will Continue to diminish very Considerably; in all Events I beg Your Lordship will rest assured that I shall Continue to make every Retrenchment in the Public Expenditure that the Circumstances of the Colony will admit. With my next Despatch I shall transmit Your Lordship the Accounts Current of the Expences of the Colony for the last Six Months, and in the Mean Time I have the Honor to transmit for Your Lordship's Information a List of the Bills drawn by Mr. Deputy Commissary General Allan on the Lords of the Treasury to Cover the Expences of the Colony for the last Six Months.

Reduction in
expenditure.

9. In the foregoing Paragraph, I expressed the Apprehension of the Approach of a Season of Scarcity, and I now feel under the painful Necessity of explaining more fully to Your Lordship My Fears on that Head For several Months; during What is Naturally our Wet Season, in the Winter and Spring of the last Year, No Rain Whatever having fallen to refresh the Earth, it became so parched and burned up, that almost all Vegetation Ceased, and a great part of the Wheat and other Grain, which had been Sown, perished in the Ground, and the small Portion, which did grow, Came up so blighted by the Heat and Drought together, that the Produce will not probably, *throughout the Colony*, average 8 Bushels to the Acre, which is not more than the third part of what is the Usual Encrease. Another most unfortunate Circumstance has attended this extraordinary Drought. The Ponds and even the Rivers, which in other Seasons have supplied Water enough for the Use of the Cattle, totally failed on this occasion, and the Consequence has been that an alarming Mortality has taken place, not only in the Herds belonging to the Crown, but also among those of the Settlers at large. These Calamities at length seemed to give way in a Certain Degree by a few days of Rain, which much relieved the almost famished Cattle, and gave some Hope of a good Harvest of Maize or Indian Corn, on which our principal Dependence against Famine now rested, the Wheat Harvest having, as already stated, almost totally failed. In this prospect of Relief I am now, My Lord, left almost without a Hope, for a Second Drought followed so quick upon the former, that now, in the Height of Summer, we have been for several weeks with scarcely a single Shower of Rain, and all Vegetation is again at a Stand, The Ponds and Streams again Exhausted, and the Cattle once more Sickening and dying from Actual Want of Food and Water. This total Inversion of the Natural Order of the Seasons has necessarily excited much Alarm, as the Consequences, if not averted by a Speedy Resort to external Supplies, must at least terminate in the heavy Calamity of very great Scarcity, both of Animal Food and of Grain, if not in an actual Famine. To guard against this Evil, I considered it my duty to write to the Government of Bengal, under date of the 12th October last, requesting it to ship off Two Hundred and fifty Tons of Wheat with the greatest Expedition for the Use of this Government, and I trust that this Supply will arrive within the Course of Five or Six Months. This Grain will probably cost much less in price to the Crown than that which the Colony itself produces, but this Advantage is Counter balanced by the Consideration that our own Grain is of much superior Quality to it. For the

1814.
19 Jan.

Failure of
wheat harvest
through
drought.

Failure of
ponds and
rivers.

Mortality
amongst cattle.

Temporary
break in
drought.

Recurrence
of drought.

Consequences of
the drought.

Wheat to be
imported from
Bengal.

1814.
19 Jan.

Increase in
price of grain.

Anticipated
further
advances.

Fosbrook
ordered to
Sydney for trial.

Queries
submitted
to Fitz.

G. W. Evans
sent on
exploring tour.

Discovery of
Bathurst plains
and Macquarie
river.

present, in Consequence of these distressing Occurrences, I have been obliged to advance the Price of Grain (which in the former abundant Season I had reduced to 8 Shillings per Bushel) to the former Standard of ten Shillings per Bushel, and even at this advance I find it so very difficult to procure the Quantity requisite for the necessary Demands of Government itself, that I am Strongly Apprehensive that I shall be under the Necessity of making a further Considerable Advance in the price, in order to the Inducing the Settlers to dispose of any part of their present scanty Supply; in fact, such is the Deficiency, both in the Quantity and Quality of the Grain and Animal Food that until Supplies shall arrive from India, and the Season take a more favorable Turn, I shall be obliged to advance the Price in proportion to the general Scarcity.

10. Mr. Fosbrook, the Deputy Commissary at Hobart Town, being Charged with having Committed Peculations in his Department, I some time ago sent Mr. Hogan, a new Officer in the Commissariat of this Country to relieve and supersede him, and I sent orders to the Lieut't Governor to send Mr. Fosbrook by the Earliest opportunity to Head Quarters here, in order to his being brought to Trial on the Charges preferred against him. On his arrival, which is now daily expected, I shall order a General Court Martial to Investigate his Conduct.

11. The Commissioners of Audit having lately sent out to me a Form of Queries to be put to Mr. Fitz, the late Deputy Commissary at this place, I accordingly lost no time in transmitting them to him for his Answers, but he has not yet rendered them. He promises, however, to furnish me with them at an early Day.

12. The Drought and Consequent Deficiency in Grass and Water for the Cattle, which I have already been obliged to State to Your Lordship in some of the foregoing passages, led me to make an Effort at the discovering of some Track of Country where possibly Nature might be more bountiful than in the present Circumscribed Limits of this Colony; and in furtherance of this object, I some Weeks ago gave Instructions* to Mr. Evans, one of the Deputy Surveyors of Land, attended by a few men and provided with the Necessary Accommodations for a two Months' Tour, to proceed in the Attempt of Effecting a Passage over the great Range of Mountains, Called here "The blue Mountains," and to discover what Description of Country lay to the Westward of them. The Consequence, I am most happy to Inform Your Lordship, has been that at a distance of 150 Miles Mr. Evans has discovered a beautiful and Champain Country of very Considerable Extent and great Fertility, thro' which a River of large Size, abounding in large and very fine Fish, takes

* Note 15.

a Westward Course. Mr. Evans has brought with him some Specimens of the Timbers, Stones and Minerals, which he happened to fall in with, but I am not yet enabled to state what Importance may be attached to them, tho' I am inclined to think that some of them may prove of very great value. Neither am I enabled from the very recent return of Mr. Evans to give Your Lordship at this time a more minute account of the Success which has attended this Tour of Discovery. I am however fully persuaded that this hitherto unexplored Region will at no distant period prove a Source of Infinite Benefit to this Colony. In my next Despatch I shall do myself the Honor to transmit Your Lordship a Copy of Mr. Evans's Journal with every other Circumstance attending the Discovery that may come to my Knowledge and be worthy of Your Lordship's Consideration.

1814.
19 Jan.

Productions
of the new
country.

Probable
advantages of
the discovery.

As this Despatch goes by the Ship Earl Spencer, *viâ* Ceylon, it is not improbable that my next, by the Ship James Hay, will reach Your Lordship before it, but I have Considered it my Duty to embrace even this Circuitous Route to make the present Communications, to which I request Your Lordship's favourable Consideration.

Despatch
transmitted
by the Earl
Spencer.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT JEFFREYS TO GOVERNOR MACQUARIE.

Sir, H.M. Brig Kangaroo, Sydney Cove, 10th Jany., 1814.

I have the Honor to inform you that His Majesty's Brig under my command has just arrived in this port after a tedious passage of Seven Months and eight Days from Portsmouth, having met with Calms and heavy Gales, etc.

Arrival of the
brig Kangaroo.

I beg leave to send you an account of our Stoppages during the above Voyage, as also my reasons for so doing.

Account of
stoppages.

At Madeira, from the 21st June to 3rd July, in consequence of H.M.S. Inconstant, under whose orders I was, having gone there.

At Madeira.

At Rio de Janeiro, from 20th Augt. to 20th September, put in for refreshments and to get the Brig caulked in every part of her upperworks, they having proved leaky in consequence of her having been built of Green Wood.

At Rio de
Janeiro.

At the Cape of Good Hope, from 3d to 13th Novr., for filling Water and getting refreshments, which the Women Passengers stood in great need of, and to refit our rigging which had been stranded and carried away in several parts owing to the heavy Gales of Wind met with during 45 days passage to that place.

At the Cape of
Good Hope.

I have the happiness to add that we only met with two Deaths, both Children not 18 Months Old.

Deaths on
voyage.

1814.
19 Jan.

And also that His Majesty's Brig will be perfectly ready for Sea in a few days to perform any Service you may think proper, provided it will not exceed three Months.
I have, &c.,
C. JEFFREYS, Lieut. and Comm'r.
Compared:—JNO. THOS. CAMPBELL, Secy.

Embarkation
return of
detachment of
troops on the
Earl Spencer.

[Enclosure No. 2.]
EMBARKATION RETURN of a Detachment of the 1st Batl'n 73d Regt. of Foot, Commanded by Major George Alexr. Gordon, Sydney Cove, N. S. Wales, 17th January, 1814.

Destination.	Ship's Name.	Majors.		Captains.	Lieutenants.	Asst. Surgeons.	Sergeants.	Drummers.	Corporals.	Privates.	Ensigns.	Women.	Children.	Total.
Island of Ceylon ..	Earl Spencer ..	1	2	5	1	15	5	15	311	1	49	77	482	

List of Officers who Embark with the Detach't.
Rank and Names.
Major George Alexr. Gordon Earl Spencer
Captn. Haddon Smith do.
„ John Pike do.
Lieut. Arch'd McNaughton do.
„ Martin Murphy do.
„ Thos. Atkins do.
„ Philip Connor do.
„ D'Arcy Wentworth do.
Ens'n Anth'y Pook do.
Asst. Surg'n George Martin do.
G. A. GORDON, Major 73d Regt.
A True Copy:—H. C. ANTILL, Major of Brigade.

3 Feb.

Arrival of
lieutenant
Lundin with
despatches.

[Enclosure No. 3.]
EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 24, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)
Sir, Downing Street, 3rd February, 1814.
1. Lieut. Lundin, after suffering a variety of hardships, has at length arrived in England with your Dispatches, Nos. 1 to 8 of the year 1812, The Isabella, in which he had taken his passage from Port Jackson having been wrecked on the Falkland Islands* after weathering Cape Horn.

* Note 16.

2. I have laid these Dispatches before H.R.H. The Prince Regent, and I have it in Command to express to you the Satisfaction with which His Royal Highness has received the account, therein contained, of the continued Tranquillity of all the Settlements under your Government, and of their improved and still increasing Prosperity.

1814.
3 Feb.

Satisfactory
reports received.

3. Altho' this flourishing Condition of the Colony may in some degree be attributed to the Circumstance of there having been no Floods in the Hawkesbury River for three years past, yet His Royal Highness is fully sensible that the increased Industry of the Settlers and the great Improvement of the general Morals and Conduct is principally to be attributed to the wise Regulations, which you have established, and To the Encouragement you have given to the deserving Settlers.

Prosperity due
to Macquarie's
government.

4. His Royal Highness has also observed with Pleasure the very favourable Report which you have made of Van Dieman's Land. The superior fertility of the Soil, combined with its other natural Advantages, will at no distant period render it a Colony of considerable importance, and it becomes a question, on which I should be glad of your Opinion, how far it may not be advisable henceforth to give further Encouragement, than has hitherto been given, to Persons willing to proceed thither as Settlers.

Prospects of
the colony in
Tasmania.

5. His Royal Highness entirely approves, as the first Step towards the improvement of the Settlement, the Removal of George Town* at Port Dalrymple from its present Situation to York Cove, and I have only to suggest to you in the Execution of this Measure that as there is no necessity for carrying it into immediate effect, so the Interests of the Settlers may be equally, if not more advanced, and the amount of the Expence may be probably diminished by a gradual Removal to the Situation which you have chosen.

Removal of
headquarters at
Port Dalrymple.

6. The Propriety of establishing a Chain of Military Posts* between Hobart's Town and Port Dalrymple will depend upon the Necessity, which exists of maintaining a frequent Communication between the two Settlements. In their present infant State, I confess that this Necessity is not to me so evident, and I feel disposed to postpone it, until the more extended Cultivation and Settlement of Van Dieman's Land shall afford greater facilities of maintaining detached Bodies of Troops, and thus diminish the Expence to which the Establishment of such Posts must lead.

Proposed
military posts
between
Hobart and
Launceston.

7. In the New Charter for making alterations in the Courts of Civil Judicature, which is now passing the Great Seal, a Court

* Note 17.

1814.
3 Feb.

Civil court
established in
Tasmania.

Limited
jurisdiction
of court in
Tasmania.

Dismissal of
deputy judge-
advocate Bate.

Appointment
of Evans as
deputy-surveyor
at Hobart.

Appointment
of Bowden as
senior assistant
surgeon.

The
commissariat
administration.

Proposed
increased salary
for Rev. R.
Knopwood.

is established in Van Dieman's Land to take cognizance of, and decide without appeal, all Causes not exceeding £50 in amount. Mr. Abbott has been selected as the Deputy Judge Advocate who is to preside in this Court, and a Salary of £600 per Ann. for this officer will be proposed in the next Estimate.

8. As it has not been considered advisable to extend the Jurisdiction of this new Court beyond that which I have already specified, it will still be necessary that all Civil Causes, where the Value of Debt exceeds £50, as well as such Criminal Causes as cannot be taken cognizance of by the Magistrates, should be carried for Adjudication to the Chief Settlement as heretofore. Upon the Receipt of this dispatch, you will acquaint Mr. Bate that H.R.H. The Prince Regent has no further occasion for his Services as Deputy Judge Advocate; but he may be allowed to draw his Salary 'till this Intimation is made to him, in Consideration of the Circumstances which induced you to defer his Suspension.*

9. His Royal Highness has been pleased to confirm your Nomination* of Mr. G. W. Evans to be Deputy Surveyor of Lands at Hobartstown, and I may here acquaint you that Authority has been given for the Payment of Salary to this Person as Deputy Surveyor at Port Jackson for the period he acted in this Capacity, tho' his appointment does not seem to have been altogether regular.

10. The Appointment of Mr. M. Bowden, Senior Ass't Surgeon at the same Settlement to succeed Mr. W. P'Anson, the Surgeon, is also confirmed.*

11. The Commissariat Establishment† of the Colony having been taken out of the annual Parliamentary Estimate and transferred to the Department of the Commissary in Chief, I have notified to the Lords Comm'rs of the Treasury, for their Consideration, your Recommendation of Mr. Williams to succeed Mr. Sutton; A Free Passage will be ordered for Mrs. Williams on her making application for that purpose.

12. I did not receive your Recommendation* of an Addition to the Salary of the Revd. Mr. Knopwood at Hobartstown, until the Estimates for the year 1814 had been voted for the House of Commons. An Addition of £77 10s. for this purpose will be submitted in the Estimate for 1815, which will make Mr. Knopwood's Salary equal to that of the 2nd Clergyman at Port Jackson, and as no Endeavour shall be omitted on my part to procure a proper person to proceed in that Capacity to Port Dalrymple, I hope soon to have it in my Power to relieve Mr. Knopwood from being obliged to cross the Island to do duty at the latter Settlement.

* Note 18. † Note 19.

13. I approve with particular Satisfaction the Retrenchment of those useless or superfluous Salaries, the discontinuance of which has been recommended by you, as it has given me the Opportunity of augmenting the inadequate Allowances, hitherto made to deserving Persons, without imposing any additional Burthen on the Public. I enclose for your information a Schedule of the Alterations, which I propose to make in the Distribution of the Sum voted by Parliament next year.

1814.
3 Feb.

Redistribution
of salaries.

14. You will have long ago received, by the Ship "Spring Grove," Lord Liverpool's letter, No. 25, which regulates the amount of Salary to be drawn by the acting Lt. Governor of Van Dieman's Land, and which does not much differ from the Statement made by you in Paragraph 16* of your dispatch No. 6. But Lt. Govr. Davey having received one Moiety of his Salary from 1st Sep., 1811, The Officer Administering the Government at Hobartstown can only be entitled to draw the other Moiety from that period as explained to you in my letter No. 11.*

Salary of acting
lieut.-governor
at Hobart.

15. The Measures,† you have taken for settling at the Derwent such Men of the Detachment of Marines as chose to remain in the Colony and for sending home the remainder, appear very proper.

Settlement
of marines in
Tasmania.

16. As the Delay† in the Evacuation of Norfolk Island will not be attended with Expence, I am not aware of any objection to its having been postponed.

Evacuation of
Norfolk island.

17. I am sorry that the Capture of the Colonial Brig "Emu," and the delay that has taken place both in fitting "The Kangaroo," and in procuring a proper Vessel to replace The Emu, will have deprived you of the Assistance of these Vessels to perform this Service.

Loss of services
of colonial
brigs.

18. In my letter, No. 13,‡ by the Ship Fortune, I acquainted you that the Contract, into which you had entered for building a General Hospital at Sydney, put it out of the Power of H.M.'s Government to sanction the distillation of Spirits within the Colony, even if that Measure had appeared less objectionable than, upon Consideration, it was found to be. And I stated for your Consideration some of the Arguments, which then occurred against its Adoption. I confess that I see nothing, in the 20th Paragraph of your Dispatch,‡ which recommends this Measure, that in the least tends to remove the force of any of those objections which I had previously stated. I am ready to admit that the Consumption of the Surplus Grain of the Colony would be of itself a very strong reason in favor of Distillation, if it were certainly ascertained that the Colony would hereafter continue

Disapproval of
proposal to
establish a
distillery.

* Note 20.

† Note 21.

‡ Note 22.

1814.
3 Feb.

Irregularity
in available
supplies of
grain.

to produce the same abundant Crops as those of 1811 and 1812. But when I reflect that so late as the year 1811, not more than 12 Months previous to the date of your Dispatch, you had found it absolutely necessary to authorize an Importation of Wheat from India, and when I add to this Consideration the possibility of the Recurrence of Floods in the River Hawkesbury, attended with the doubt how far your Measures had been hitherto successful for inducing the Settlers on the Banks of that River to secure their Crops from this danger, I cannot but think that it will require the Experience of a longer time to determine whether the Colony is capable of producing such a Surplus of Grain as would authorize the adoption of a Distillery. Under this impression, I forbear to enter into any detailed Examination of the mode in which you would propose to regulate the distillery, tho' it appears in many parts liable to serious objections; but I cannot avoid noticing an opinion, which would appear from this part of your dispatch, to be prevalent in the Colony, that Persons, newly arrived, are looked upon as Intruders in the Occupation or Business, which they may follow, and as running away with a Branch of Business to which the older Settlers consider themselves exclusively entitled. There can be no good reason why a Settler, newly arrived from England, should not have the same permission to engage in any Trade that is given to the Colonists longer established. And I cannot too earnestly request you to take every means of shewing your Disapprobation of any such doctrines, which appear to me to be only calculated to produce the worst consequences to the Tranquillity and Prosperity of the Colony.

No preference
to be shown to
old settlers
in trade or
commerce.

19. As you acquaint me that the Contract, for building the Hospital, will expire on the 1st day of May next, I am to signify to you the Commands of H.R.H. The Prince Regent that you should carry into Execution the Instructions conveyed to you in the Earl of Liverpool's letter, No. 15,* for permitting the Importation of Spirits upon payment of a Duty of 4s. per Gallon, which Instruction had previously received the Sanction of the Committee for Trade. And that you do increase the duty to 5s. per Gallon, if you shall continue to be of opinion that it can well bear this Increase. H.M.'s Servants are of opinion that unless this Importation is really free, that is, open at all times to all importers without distinction, the Evils, which have hitherto arisen from the Barter of Spirits, cannot be effectually removed. But that by opening the Trade, an Additional Revenue will not only be raised, and a Check given to the Practice of Secret Distillation, but a Stop will be put to all those Speculations

Unrestricted
importation of
spirits to be
established.

* Note 23.

which have hitherto arisen from a limited importation; and you will be moreover enabled to put an End to the Issue of Spirits at a fixed rate to the Civil and Military Servants in the Colony, a practice which has, even under your prudent Administration of it, the appearance, if not the actual effect, of encouraging the Barter of that Article.*

1814.
3 Feb.

Proposed
abolition of
issue of spirits
to officials.

20. As not more than 4 or 5 of the Persons, sent out as Settlers from this Country since the year 1810, had arrived at the date of your last dispatch, I should hope that the Character,† given by you of the Settlers from England, has reference rather to such as left this Country at earlier periods than to those, who have received permission to become Settlers since the date of your Commission.

Character of
free settlers.

21. Since the year 1810, every attention has been paid to prevent imposition as to the Character of Persons applying for permission to become Settlers. I do not find that any Person has been recommended to you under the Denomination of a *Gentleman* Settler, and in order still further to guard against the imposition, which might be practised upon this department, I have with very few exceptions always left it to your discretion to decide upon the Quantity of Land which it might be proper to allot to any Individual. Indeed I observe that the most extensive Grants have not by any means been made to Settlers from England. But should any of the Settlers, who have lately proceeded to the Colony, in any way misconduct themselves, I have to desire that you will report the Circumstances of their Misconduct for my information.

Method
adopted in
recommending
settlers.

22. I am to desire that you will report to me from time to time the Names of the Persons to whom you find it necessary to issue rations under the Circumstances stated in your dispatch No. 6, Par. 24,‡ because it would seem that in a Country, where Labourers are so scarce, Sickness alone should be held as a sufficient reason for issuing a Public Ration to any Person not otherwise entitled to it; a contrary Practice can afford only Encouragement to Idleness by diminishing the Necessity of Exertion.

Issue of
government
rations.

23. I entirely approve of the Clauses§ you have inserted in the Grants of Land and in Leases for Town Lots.

Land grants
and leases.

24. I am to acquaint you that Mr. Commiss'y Palmer has taken his passage to New So. Wales in the Ship Catharine, which sailed from Falmouth on the § day of December last, and will therefore be able to afford in Person the Explanations of which you stand so much in need.

Departure of
John Palmer
for the colony.

25. Until I received your Dispatches by the Isabella, I was not aware that the families of the Civil Servants in the Colony

* Note 24. † Note 25. ‡ Note 26. § Blank in manuscript.

1814.

3 Feb.

Allowance of
rations and
convicts to
civil servants.

Withdrawal of
government
servants from
the military.

Servants
allowed to
magistrates.

Issue of fuel to
public servants
forbidden.

Victualling of
free settlers.

Inquiries into
financial status
of intending
settlers.

Regulations
for settlers.

received Rations from the Public Stores, and I am to desire that you will give immediate orders for putting a Stop to the Practice, as well as that of allotting to each a Government Servant, clothed and victualled at the Public Expence. However necessary such a favor might have been at the first Establish't of a remote Settlement, there is not the least ground for continuing it in the present State of the Colony. The Civil Servants will however continue to draw their Rations until further orders.

26. The Allowance of one Government Man to each Military officer is also a Practice which should be immediately discontinued, more especially as I suppose these officers have the usual Privilege of taking a Servant from the Ranks; and both they and the Civil Servants will still have it in their Power to apply to you for Convict Servants, if they chuse to be at the Expence of clothing and feeding them.

27. You will however consider whether this decision should apply to those Gentlemen, who act in the Capacity of Magistrates, and who have hitherto received the Advantages of Government Servants as a Compensation for their trouble in thus acting as Justices of the Peace.

28. I am also to authorize you to discontinue the Issue of fuel at the Public Expence to the Public Servants.

29. I have not been able to ascertain precisely for what periods the Settlers from England are victualled at the Expence of the Crown after their Arrival in New So. Wales, and for how long a time they are allowed to have Government Servants drawing Rations from the Stores, altho' I conclude from the Case of Messrs. Blaxlands that these periods are extended to Eighteen Months.

30. Since I have held the Seals of the Colonial Department, great Care has been taken that every Settler from this Country should produce satisfactory Evidence that he was possessed of Property to a certain extent, whereby he would be enabled to cultivate the land allotted to him with less assistance from Government. Any Exceptions from this Rule have been specially intimated to you. I shall make known to all Settlers, hereafter proceeding to the Colony, that they will not be permitted to draw Rations, or to have the Accommodation of Convicts fed and clothed at the Public Expence, for a longer period than 6 Months after their Arrival in the Colony. You will not however consider yourself absolutely obliged to apply this Regulation to the Case of Convicts emancipated in the Settlement, either from good Conduct during their term of Servitude, or after having served that term, if you are of opinion that they are deserving of farther indulgence.

31. I am aware that the natural consequence of the increased Population of the Colony is an Augmentation of the Expences of its Civil Government, and that the Sum, annually voted by Parliament, may not be adequate to its present Extent. In some instances, therefore, it may be necessary to appropriate Salaries to Colonial Officers from the Colonial Revenue. I have myself, as I shall inform you in a separate dispatch,* deemed it advisable to charge on this fund the remuneration which it is proposed to allow to the two attornies, who are about to proceed to the Settlement, and to the Clerk, which I propose should be allowed to the new Judge Advocate of Van Dieman's Land; but this Power is to be exercised with great discretion. It has already been intimated to you that the Expences of the Colony bear hard upon the Treasury of this Country, without any Corresponding benefit, and it is therefore to be wished that a part at least of the Colonial Revenue should be applied in liquidation of these Expences; and I am happy to find from parts of your dispatch that you are taking the Steps necessary to attain this desirable end. The approaching departure of the Ships, about to sail, prevents me from making at present any detailed remarks on the List of Salaries with which the Colonial funds are charged; but I cannot avoid mentioning the Allowance made from it to the two Clerks in the Secretary's office. These Gentlemen enjoy Salaries voted in the Estimate, and I therefore hope the payments, they appear to receive from the Colonial funds, are for periods previous to your receiving the Estimate for 1812; if not I must be under the necessity of desiring their discontinuance.

1814.
3 Feb.

Payment of
salaries.

Utilisation of
the colonial
revenue.

Salaries of
clerks in
the secretary's
office.

32. I have communicated to the Treasury your Reasons for issuing to Mr. Broughton the Sum of £365 per an. as acting Commissary, which I cannot but approve. The Arrival of Mr. Allan with the new Commissariat will, I trust, have long ago relieved the Colonial fund from this burthen.

Salary of
William
Broughton.

33. It has been stated to you in my Dispatch No. 12* that I must decline expressing an Opinion on the Salary of £200 per ann., which you recommend to Mr. D'Arcy Wentworth, as Superintendant of Police, until I received from you a Statement of the Colonial Revenue; I would only now add that if the fund prove adequate to the Charge, I consider him well entitled to such Remuneration. With respect to the Claim of the same Gentleman for some Remuneration for his Services while acting in the absence of Mr. Jamieson, The Principal Surgeon, and previous to his receiving that appointment, I am to acquaint you that Mr. Jamieson was paid the whole Salary to his Death. and to express my hope that you will coincide with me in the View I have taken of the Claims of Officers in this Situation,

Salary of
Wentworth as
superintendent
of police :

and as acting
principal
surgeon.

* Note 27.

1814.
3 Feb.

as stated in my dispatch No. 18*; and consequently that you will be of Opinion it would be establishing a very inconvenient precedent to listen to this Claim, even if the Moiety of Mr. Jamieson's Salary had remained unappropriated.

The making
of a turnpike
road from
Sydney to the
Hawkesbury.

34. By a reference to Lord Liverpool's Dispatches, it does not appear that his Lordship absolutely disapproved of your having commenced a Turnpike Road from Sydney to the Banks of the Hawkesbury, but he expressed, in No. 9,† the Opinion, in which I concur, that Improvements of this Kind should be rather the Consequence than the Cause of internal Prosperity; and again in No. 21‡ that if the Expence of Roads, etc., cannot be borne by those, who are to receive immediate benefit therefrom, it may be presumed that the Colony is not yet sufficiently advanced to render the Construction of such Works necessary. As, however, it appears that there is a reasonable Prospect of the Expence of the Road in question being repaid to the Public at a future Period, there is no Objection to its being completed. But I can by no means sanction the Expectation, you state to be entertained by the Colonists, that the Colonial Revenue should be appropriated to the Works in the interior, at least whilst H.M.'s Treasury at home is subjected to an Expence of from Seventy Thousand to One Hundred Thousand Pounds per Ann. for the Support of the Colony.

Macquarie's
alleged
participation
in the spirit
traffic.

35. I could not suppose, until I received your Dispatches, that you would have thought it necessary to make the Appeal contained in the 37 Paragraph of your Dispatch, No. 6‡; I was not aware, nor, after a Perusal of the Printed Minutes of the Trial of Lt. Col. Johnstone, do I find anything in the Evidence that has a tendency, directly or indirectly, to charge you with the Practice of bartering Spirits for Houses or Land *for your own Emolument*. I trust therefore that it is unnecessary for me to assure you that no Statement of this Nature could ever have led me to entertain for a moment any such Idea to your Prejudice. I may take this opportunity of observing to you that the Measure of making any Purchases for Government with Spirits should be at all times avoided, however advantageous such a Mode of Sale may be, as affording an Example of bartering Spirits, which will too readily be followed by others, who will naturally presume on such an Example from the Colonial Government. I may also call your attention to the danger arising from an Advertisement,‡ that appeared in the *Sydney Gazette* of March, 1812, from the Hospital Contractors offering to the Settlers Spirits in Barter for Stock. The same Reasons may be urged against this offer, with this further Danger, that altho' the advertisement is limited to *Male* Stock, it yet holds

Purchases with
spirits to be
avoided.

* Note 27.

† Note 28.

‡ Note 29.

out a Temptation to the smaller Settlers, that may be irresistible, of disposing clandestinely of their *female* Stock also.

1814.
3 Feb.

36. I entertain a confident Expectation that as soon as the free Importation of Spirits is permitted, all the Evils arising from these Causes will be altogether removed.

Expected results of unrestricted importation of spirits. Movements of the ship Archduke Charles.

37. It having been ascertained that the Ship "Arch Duke Charles" had been obliged to put into the Cape of Good Hope, and that she was still there on 25 Decr., 1812, I trust she will have arrived at Port Jackson early in the ensuing year.

38. In the Communication* I formerly made to you with respect to the Employment of Lieut. Oxley on Surveys under the direction of the Lords Com'rs of the Admiralty, it was expressly stated that he was only to be so employed, if it did not interfere with his other duties. It would appear from your report* that this Employment will necessarily occupy a great part of this Gentleman's time. Under these Circumstances, I will intimate to the Admiralty that it will be extremely inconvenient that Mr. Oxley should be so employed; And I mean to suggest to their Lordships that the two Officers in Command of the Colonial Vessels may be sometimes employed in such Surveys. Mr. Oxley being thus left at liberty to attend to the duties of his own Situation, the assistance of a Deputy Surveyor of Lands at Head Quarters will be entirely unnecessary.

Proposed employment of Oxley in admiralty surveys.

39. Lt. Col. O'Connell will leave the Colony with his Regiment, and the Sentiments of H.M.'s Government with respect to an Increase in the Lt. Governor's Salary has been communicated to Lt. Col. Molle, who has been appointed to that Situation. Until some corresponding Reduction should take place in other Branches of the Civil Establishment, I should not think myself authorized in proposing to Parliament an Augmentation of the Salary; if, however, you should consider it possible to add to the Charges imposed upon the Police fund an Additional £150 a year to the Lieut. Governor, I should readily acquiesce in such an Arrangement.

Position and salary of lieut.-governor.

40. A free Passage to the Colony will be ordered for the Brothers of Mr. Nicholls with their families on their stating to me that they are ready to proceed, and an intimation to that purpose has been made to them.

Free passage for brothers of Isaac Nichols.

41. I have already communicated to you in a private letter* the Arrangement that has been made respecting the Naval Officer.

42. I am convinced that, when Lord Liverpool objected to the Establishment of a Body Guard, he did so under the impression that it was a new Establishment, which at least required Explanation previous to receiving the Sanction of H.M.'s Government. The Statement, you have made of the Utility of this

The governor's bodyguard.

1814.
3 Feb.

Body of Men being employed in the Colony, has induced me to sanction the Increase of the Establishment as proposed by you, to 1 Serjeant, 1 Corporal and 12 Privates.

Shipments
of stores for
the colony.

43. Previous to the Receipt of your Dispatches by The Isabella, I had directed about 50 Tons of assorted Iron to be shipped in The Broxburnebury, and orders have been given for providing the Stores required in the Requisition, No. 18. A Part, but I am afraid not the whole of these Stores will be embarked in that Vessel, as well as the Medicines. The Remainder will be forwarded in the Ship Somersetshire, which has been recently fitted up to convey Male Convicts to the Colony.

Disposal of
female convicts.

44. I am sorry to find that you experience difficulty in appropriating the Female Convicts sent out to the Colony, more particularly as a greater number than usual have been transported during the last 12 Months.

45. The Difficulty of disposing of this Class of Convicts at home, at least until the Penitentiary Houses, which are now erecting, are finished, will render it very convenient that such of them, as are of proper Age should, for some time longer be sent to the Colony.

The problem of
treatment for
emancipists
and expirées.

46. It only remains for me to advert to that not the least important part of your dispatch,* in which you request a Communication of the Sentiments of H.M.'s Government with respect to the Readmission to Society of such Convicts, as may have by their meritorious Conduct redeemed their past transgressions. H.M.'s Government entirely concur with you in the propriety of the general principle, upon which you state yourself to have acted. Nothing could be more unjust to the Individuals themselves, nor more impolitic with a View to the tranquillity of the Colony, and the Effects which it is the object of transportation to produce, than to lay down a general Rule of perpetual Exclusion against one Class of the Community, and thus to deprive them of that feeling of honorable Ambition, which is the best incentive to virtuous Exertion. But this principle may be carried too far; and I confess that I am not as yet prepared to say that it would be judicious, unless under very peculiar Circumstances, to select Convicts for the office of Magistrates. The illiberal, tho' not unnatural Prejudice, which you have had to encounter in your Endeavour to restore Meritorious Convicts to their former Rank in Society, would be still more violently excited by the Elevation to the Magistracy; and the hostile Spirit, which prevails between the two Classes of Settlers and Convicts, if it did not influence the Conduct of the Magistrate himself, would at least diminish the Respect and Deference, which ought to be paid to his decision. A failure also in an

Appointments to
the magistracy.

Experiment of this Kind would not only render it difficult to recur to it again, but would confirm those prejudices against associating with Convicts, which, I trust, that time and a proper Exercise of discretion on your part will ultimately overcome.

1814.
3 Feb.

47. As those, who have been desirous of counteracting your Measures, have selected the Admission of Convicts to Society as their main point of Resistance, you will I am sure see the Necessity of not compromising your Authority by exerting it on a Subject, where Resistance may be so well cloaked under a rigid Sense of Virtue or a Refinement of Moral feeling. It would be but an useless, if indeed it were a practicable, task to compel persons to associate with those whom they may dislike or despise; and I should certainly disapprove any measure which had for its object to force an association with Convicts, however meritorious or respectable, or to punish those who refused it. Among the respectable part of the Community your Example must have great Weight, and I have to recommend that you should trust to the gradual Effect of that Example as the surest, if not the most Expeditious mode, of procuring to the Convicts the Benefits to which I conceive them so justly entitled. I have, &c.,

Opposition to
Macquarie's
government.

The value of
Macquarie's
example.

BATHURST.

[Enclosure.]

MEMORANDUM—Alterations proposed to be made in the Distribution of the Grant of Parliament for the year 1815.

Alterations
proposed in
the estimates.

Offices to be suppressed.

Hobart's Town—	£	s.	d.
Deputy Judge Advocate	182	10	0
2nd Ass't Surgeon	91	5	0
Mineralogist	91	5	0
Port Dalrymple—			
Deputy Judge Advocate	182	10	0
2nd Ass't Surgeon	91	5	0
Deputy Surveyor of Lands	91	5	0
	£730	0	0

Additions to the Establishment.

	£	s.	d.
Deputy Judge Advocate	600	0	0
Add'l to the Chaplain at Hobart's Town	77	10	0
	£677	10	0

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 25, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)

Sir, Downing Street, 3rd Feb., 1814.

The increasing demand for Land in New So. Wales, and the Value which the uncultivated ungranted Portions of that Territory have in consequence acquired, has induced H.M.'s

Increased value
of land.

1814.
3 Feb.

Proposed
increase of
quit rents.

Collection of
quit rents.

Government to adopt the decision of raising the Quit Rent demand on all future Grants to the Sum of one Shilling per Acre, to be levied in the same manner and under the same limitations as that which has hitherto been paid. You will therefore regulate your Conduct accordingly, and insert a Clause to that Effect in all Grants, made subsequently to the receipt of this dispatch. I avail myself of this Opportunity of impressing upon you the Necessity of regularly exacting the Quit rents, whatever may be their amount, at the periods when they become due. An opposite Line of Conduct has been found in other Colonies to be most inconvenient, as giving rise to an Expectation on the part of the Land Holders, that the Crown either intended to abandon all Claims of this Nature, or acted harshly in enforcing arrears of very long standing.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 26, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)

Sir,

Downing Street, 3d Feb., 1814.

Accommodation
for the new
courts of justice.

I have the honor to enclose you the Extract of a letter, which I have received from The Chief Justice of the Supreme Court, previous to his departure from this Country, stating the inadequacy of the Present Courts of Justice in New So. Wales, and representing the difficulty of giving effect to the New Charter of Justice, unless some more appropriate Building be applied to this purpose. I have therefore submitted it to you in the hope that you may be able to find some Building at Sydney less inconvenient than the one now used. It appears to me, indeed, that one of the Wings of the New Hospital might with a very little alteration be converted into a Court of Justice, at least until the funds of the Colony be such as to admit of your erecting a separate Building for that specific purpose. Previous however to undertaking any such Work, you will be careful to submit a Plan and Estimate of the proposed Building for my Consideration.

I have, &c.,
BATHURST.

[Enclosure.]

Application
for suitable
court rooms.

EXTRACT of a Letter from J. H. Bent, Esqr., to Henry Goulburn, Esqr., dated Gray's Inn Square, 7th February, 1814.

ALLOW me to call your attention to the Necessity of erecting a proper Court House in New South Wales. I find from My

Letter that the only place for that purpose was a Room 20 feet Square,* and which was also used as an Office for the Clerks employed in the Dispatch of the Business of the Courts and as a Repository for the Records of both Civil and Criminal Courts, being at the same time destitute of every convenience for any One of the purposes to which the room was applied.

1814.
3 Feb.

Application
for suitable
court rooms.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 27, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)

Sir, Downing Street, 5 Feb., 1814. 5 Feb.

The favourable Representations, which have been made to me of the Character of a Mr. Browne, and of the means he possesses of undertaking with Advantage a plan of Settlement in New So. Wales, induces me to request you will grant him an Allotment of Land as near to Sydney as may be in your Power, together with such other Encouragements as are usually given to respectable Settlers.

Recommend-
ation of
Browne as
a settler.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 28, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)

Sir, Downing Street, 6 Feb., 1814. 6 Feb.

I have the honor herewith to transmit to you the Copy of a letter from Mr. Harrison, dated the 1st Inst., enclosing one from the Com'rs of the Customs respecting the duties which will be levied upon the Importation of Wool, the Growth and Produce of N. S. Wales.

Proposed duties
on wool.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

SECRETARY HARRISON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 1 Feby., 1814.

I have it in Command from the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of Earl Bathurst, the enclosed Copy of a Report from the Commissioners of Customs, Dated 12th Ult. respecting the Duties which will be levied upon the importation of Wool, the Growth of New South Wales.

I am, &c.,

GEO. HARRISON.

* Note 32.

1814.
6 Feb.

Regulations for
importation of
wool into
England.

[Enclosure No. 2.]

REPORT ON IMPORTATION OF WOOL FROM N.S.W.

May it please your Lordships,

In obedience to your Commands, Signified by Mr. Harrison on the annexed Letter from Mr. Goulburn, requesting to be acquainted for the information of the Right Honorable Earl Bathurst whether any or what Duties will be levied upon the Importation into this Country of Wool, the growth of New South Wales, and whether the Certificate of the Governor of the Colony, that such Wool is the Growth and produce of New South Wales, will be held sufficient to authorize such Importation.

We Report,

That the Duties on the Importation of the Wool in question will amount to 7s. 11d. per Cwt., and that no document is required by law to prove the produce thereof.

T. J. LUTTRELL. H. RICHMOND.
G. WILSON. S. BARNE.

Custom House, 12 Jan., 1814.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Wanstead, *via* Batavia.)

7 Feb.

Sir,

Sydney, N. S. Wales, 7th Feby., 1814.

Arrival of the
transport
General Hewitt.

I have the honor to inform you, that, since Sealing the Duplicate of my Dispatch to Lord Bathurst, under date 19th of last Month, and which this Letter accompanies, the Ship General Hewitt Transport, with a Detachment of the 46th Regt., and 267 Male Convicts from England, have arrived here, having only anchored in Port Jackson between 12 and 1 O'Clock this day. The General Hewitt parted Company with the Windham Transport, off St. Paul's, on the 4th of last Month, and may therefore be hourly expected to arrive here. These Ships touched at Rio Janeiro, where they remained 14 Days, and sailed from thence together on the 1st of December. The Troops are healthy, but the Convicts on board the General Hewitt have been and are still very sickly, having lost no less than 33 of them during the Voyage.

Health of
convicts on the
transport.

Departure
of the ship
Wanstead.

The Ship Wanstead bound for Batavia, and by which this Letter goes, being under dispatch and determined to sail very early to-morrow morning, precludes my replying to the Dispatches I have received this day per the Genl. Hewitt; but I deemed it my duty to seize this opportunity of acquainting you with the safe arrival of this Ship, for the information of the Right Honble. the Secretary of State for the Colonies.

I have, &c.,
L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

1814.
13 Feb.

(Despatch No. 29, per ship Broxbornebury; acknowledged by Governor Macquarie, 7th October, 1814.)

Sir, Downing Street, 13 Feb., 1814.

This Dispatch will be delivered to you by Mr. J. H. Bent,*
 The Chief Justice of the Colony, to whom I have also entrusted
 the Care of the New Charter of Justice,† which has lately passed
 the Great Seal. I am sure that it will be unnecessary for me
 either to recommend Mr. Bent to every attention which you may
 have it in your Power to shew him, or to impress upon you the
 importance of giving early effect to the Provisions of the New
 Charter, and consulting with the Judge Advocate as to the best
 mode of its promulgation. The Anxiety, which has been mani-
 fested by yourself, and by Mr. Bent, The Judge Advocate, for the
 Improvement of the Judicial Establishments, is in itself suffi-
 cient to ensure your Exertions in carrying these Improvements
 into Effect.

Charter of
justice in
custody of
Judge Bent.Promulgation of
new charter.

The Reasons, which have induced H.M.'s Government to with-
 hold for the present any Change in the Establishment of the
 Criminal Court, have been sufficiently detailed in my Dispatch,
 No. 13,‡ and I therefore forbear entering again upon that part
 of the Subject.

No change in
constitution of
criminal court.

I have, at the Recommendation of Mr. Bent, selected two
 Solicitors of highly respectable Characters to proceed by an
 early Opportunity to the Colony. The Salaries, which I have
 led them to expect, are £300 per ann., as under that amount I
 find it impossible to obtain the Services of any Persons of
 Respectability and Knowledge. These Salaries must, under
 present Circumstances, become a Charge upon the Colony, and
 you are hereby authorized to defray those Payments out of the
 Police fund, dating their Commencement from the 1st Feb., 1814.

Appointment
and salaries of
two solicitors.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 27th April, 1814.

27 April.

I have the honour to inform you that a Convention for the
 Cessation of Hostilities with France by Sea and Land was
 signed at Paris by Viscount Castlereagh on the 23rd instant.

Cessation of
hostilities
with France.

I shall transmit to you for your information a Copy of that
 instrument as soon as the Ratification shall have been exchanged.

I have, &c.,

BATHURST.

* Note 33.

† Note 34.

‡ Note 35.

1814.
28 April.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 25th November, 1815.)

Government House, Sydney, New South Wales,

My Lord,

28th April, 1814.

Despatches
acknowledged.

1. Since the Date of my last Dispatch per the Phoenix Whaler, which Sailed on the 23rd of August last (the Duplicate whereof was transmitted by the Atalanta, Whaler, on the 10th of September), I have been Honored with Your Lordship's several Letters as per Margin,* as also with those of the Under Secretary, likewise enumerated in the Margin, with the Various Documents referred to in them Severally.

Arrival of
transports
Earl Spencer,
Wanstead,
General Hewitt,
and Windham.

2. Since the Date of my Dispatch above referred to, the following four Ships have arrived from England with Troops and Convicts; namely, The Earl Spencer on the 9th of October, with a Detachment of the 73rd Regt. and 196 Male Convicts, all in good Health—Four Convicts died during the passage. The Wanstead arrived on the 9th of January last with 117 Female Convicts also in good health—two Women died on the passage. The General Hewitt arrived on the 7th of February with a Detachment of the 46th Regt., and 266 Male Convicts—these Convicts arrived in a very Weak and sickly State, and I am sorry to add that Thirty-Four of these unfortunate people died on the passage hither; and the Ship Windham Transport arrived on the 11th of February with the 46th Regt. under the Command of Lieutenant Colonel George Molle.

Inquiry into
treatment of
convicts on the
General Hewitt.

3. Having Reason to apprehend from the Sickly State of the Convicts who arrived, and from the alarming Extent of the Mortality during the Passage, that proper Attention had not been paid by the Master and Surgeon of the General Hewitt to the Health and Comforts of the Convicts on board that Vessel, I appointed a Court of Enquiry to Examine into and report on the Conduct of those Officers. The Result of which Enquiry is, that the Conduct of the Commander has been highly Culpable in some Instances; Under this Consideration I feel it my Duty to transmit the Proceedings of that Court by the present Opportunity to the Commissioners of the Transport Board, in order to their Adopting such Measures for the Punishment of the Commander as the Circumstances of the Case will admit.

Arrival of
the brig
Kangaroo.

4. On the 10th of January the Government Colonial Armed Brig, Kangaroo, Commanded by Lieut't Charles Jeffreys, R.N., arrived from England, and I am fully of Opinion that she will prove highly Useful to the Colony.

* 11th and 31 Janry.; 15 February; 12, 15, 17, 18, 20, 22d, & 26th March; 2, 6, & 30 April; 8, 19, 25, & 26 May; 18 June; 3d & 31 July; 3, 5, 6, 7, 8, 9, 16, & 19 Augt., 1813.

5. By the foregoing Vessels, and the private Brig, Spring, I have the Honor to announce to Your Lordship the Arrival here of the following Thirteen free Settlers from England—Vizt. John Harris, Esqr. late Surgeon of the 102nd Regiment, Messrs. Dickson, Nichols, Hovell, Thrupp, Brookes, Kendall, Pear, Miller, Bradley, Faultless, Martin, and Richard Gore; and by the Same Opportunities, Captn. John Piper, and Mr. Henry St. John Younge arrived; the former as Naval Officer at Sydney, and the latter as An Assistant Surgeon, which Situations are accordingly filled by those Gentlemen.

1814.
28 April.

Arrival of
free settlers.

6. In Conformity to Your Lordship's Instructions, I lost no time in Embarking as many of the 73d Regt. on board the Ship Earl Spencer for the Island of Ceylon, as she Could, with Convenience and a due Regard to the Health of the Men, accommodate. The Accompanying General Embarkation Return will inform Your Lordship of the Number of Men, Women, and Children Embarked on board on that Occasion; and with this Division the Earl Spencer sailed from hence on the 25th of January.

Embarkation of
detachment of
73rd regiment
on the Earl
Spencer.

7. The Hired Transports, General Hewitt, and Windham, requiring several Repairs after their Arrival, they were thereby prevented from receiving their respective proportions of the Troops, so soon as I wished and had expected, and these Repairs were protracted by a Continuance of Wet and boisterous Weather, altho' every Exertion on my part was made to render the Delay as short as possible; besides the Delay arising from the foregoing Circumstances, much and unnecessary Procrastination took place on the part of the Commanders of those Vessels, which greatly retarded the Completion of those Repairs, and the Shipment of the Water necessary to their Voyage. The Disposition on the part of the Commanders to delay the Embarkation, and Consequent Sailing of those Vessels, was such as I am well Convinced that One Month longer of Delay would have taken place, had it not been for the Energy and very Zealous Exertions of Lieut. Jeffreys of the Kangaroo, whom I appointed to Superintend the Repairs and Outfits of those Vessels. Mr. Earle, the Commander of the General Hewitt, was particularly troublesome and refractory, which Circumstance obliged me to lay a Statement of his Conduct by the present Opportunity before the Commissioners of the Transport Board, together with the several Reports of Surveys held on both Ships by my Orders.

Repairs
necessary to
transports
General Hewitt
and Windham.

Unnecessary
delays in
refitting.

8. The Troops, destined for the General Hewitt, embarked on the 24th Ult.; but owing to the Inclemency of the Weather, and Contrary Winds, She did not Sail for Ceylon until the 5th

Embarkation
of troops on the
General Hewitt.

1814.
28 April.

The Windham
ordered to
Hobart with
relief
detachments.

Instant. This Division of the 73rd Regiment was Commanded by Lieut. Colonel O'Connell, the late Lieutenant Governor of this Colony. As it would have been attended with much Inconvenience, great Delay of time, and very heavy Expence to have brought the Troops, which were Stationed in Van Diemen's Land (being two Companies Consisting of 220 Men, besides Officers, Women and Children) from thence to have Embarked them here, I early resolved on adopting what I Conceived a preferable Plan, and much more for the Ease and Benefit of the Service by Ordering the Windham Transport to carry, from hence to the Derwent in Van Diemen's Land, a part of the 46th destined for the Relief of the Detachments there of the 73rd, and there to embark the two Companies of this latter Regiment, and to proceed from thence direct to Ceylon, which by a previous Arrangement in Making the Reliefs, I had directed to be Assembled at Hobart Town on the River Derwent, and to be in readiness to Embark on the Shortest Notice after the Arrival of the Windham.

Troops
embarked on
the transport
Windham.

9. The Windham being Capable of Accommodating more Troops than the two Companies which were Stationed in Van Diemen's Land, a proportion of the Troops, remaining at Head Quarters, have been also Embarked on board of her, which makes up her proper Complement of 330 Men, besides Women and Children. This proportion has accordingly Embarked here on the 2d Instant, after which she was detained by Contrary Winds and Stormy Weather until the 14th Instant. She then proceeded on her Voyage to the Derwent. My Arrangements, in regard to the Embarkation of the Troops at the Derwent, will I trust enable the Windham to proceed for Ceylon from thence in the Course of a Week after Arrival there. Lieutenant Colonel Geils proceeds in Command of the Division on board the Windham.

Departure of
the Windham
for the Derwent.

Detachment of
73rd regiment
remaining
in the colony.

10. The Three Ships, Earl Spencer, General Hewitt, and Windham, destined for transporting the 73rd Regt. from hence to Ceylon, not proving equal to that Duty, with a due Regard to the Health of the Troops, I have been under the Necessity of relanding from the last two Ships a considerable Number of those which had Embarked, which, with others who had not been Embarked, amount to 152 Men, thirty Women, Sixty three Children, and Six Officers; all of whom now remain here for another Opportunity. The Disembarkation of these Troops from the General Hewitt and Windham took place in Consequence of the Report of a Competent Committee of Survey, which stated that the Ships would be too much Crowded if the Number, originally Intended to be Embarked, should remain on board.

The Numbers, already Stated, were then Relanded, and shall be sent to Ceylon by the earliest good opportunity which may Offer, and I have Reason to think that a Vessel from India will arrive here in the Course of five or Six Weeks, which I hope I shall be enabled to Engage for the purpose. The different Reliefs for the several Subordinate Settlements and Out Posts were made as soon as possible after the Arrival of the 46th Regt., with the Exception of that for the Derwent, which was sent as already stated by the Windham.

1814.
28 April.

Detachment
to be sent to
Ceylon by first
opportunity.

11. Motives of Delicacy towards Lieut. Governor O'Connell Induced me to request Lieut. Colonel Molle, on his Arrival, to defer the Ceremony of having his Commission as Lieut. Governor of this Territory read or published until after the Embarkation of Lieut. Colonel O'Connell should take place. To this Request Lieut. Colonel Molle gave his Assent in the most Handsome and Liberal Way, and Lieut. Colonel O'Connell retained the Situation of Lieut. Governor until he embarked on Saturday the 26th March. On the Monday following, being the 28th Ulto., the Commission of Lieut. Governor Molle was read, and the Usual Oaths administered to him at Government House in presence of the principal Civil and Military Officers of the Colony.

Reading of
lieutenant-
colonel Molle's
commission as
lieut.-governor.

12. I have now much Satisfaction in reporting to Your Lordship that the Evacuation and Abandonment of Norfolk Island has been at length Completely Effectuated on the twenty Eighth of February last, and with the additional happy Circumstance of no Accident Whatever having attended it. All the Horned Cattle, Sheep, and Pigs on the Island were killed and Salted down, with the Exception of a few Pigs and Goats which became Wild and Could not be Caught; and previous to the final Embarkation, After the Provisions and Stores had been put on board, all the Buildings were destroyed. The Execution of this Duty I entrusted to Mr. William Hutchinson, who had long resided on the Island as Principal Superintendant, who I am enabled to say has Conducted this Important Service with great Zeal, Diligence and Integrity, highly to his own Credit and very Advantageously for this Government. I do myself the Honor to transmit Your Lordship herewith a Copy of the Report made to me by Mr. Hutchinson of this Evacuation, immediately on his Arrival here in H.M. Colonial Brig Kangaroo on the 10th Ulto., from whence Your Lordship will be enabled to appreciate the Merits and Capacity of this Very Useful Man. As Some Acknowledgement for these Services, I have lately appointed him Principal Superintendant of Convicts and Public Works at Sydney, in the Room of Mr. Isaac Nichols, resigned. The Brig, Kangaroo, which was the Vessel I dispatched to Norfolk

Evacuation of
Norfolk island
completed.

Services of
William
Hutchinson.

Appointment of
Hutchinson
as principal
superintendent
of convicts and
public works.

1814.
28 April.

Island to Carry off the Stores and Inhabitants, effected that Object, and returned hither in the Course of five Weeks from the time of her Sailing from hence.

Liquidation
of claims of
Norfolk island
settlers.

13. I have the further Satisfaction of reporting to Your Lordship that All the Unadjusted Claims of the Norfolk Island Settlers are now finally liquidated to the entire Satisfaction of all those Persons. The last Charge for these Claims is now Contained in the Supplementary Account Current, dated the 18th instant, which Accompanies the present Dispatch, and finally winds up every Demand on that Score.

Success of
precautions
taken against
famine.

14. The Famine, which at the End of the last Harvest (owing to the Improvident Conduct of the Settlers) seemed to threaten this Colony with a Severe Scourge, I am happy to think has been in a great Degree averted by the precautionary Measures to which I resorted on that Emergency, and I have very particular Pleasure in Stating to Your Lordship that this Colony and its Dependencies are at present in a rapidly improving and very flourishing State.

Increase in
price of wheat
and maize.

15. The Scarcity of Wheat and Maize, which some time ago prevailed to a most alarming Degree, laid me under the Necessity of Increasing the prices of those Articles to 15s. per Bushel for Wheat and 9s. for Maize, in order to Supply the Necessary Demands of those Victualled by Government. By this Measure I have been enabled to procure a Supply equal to Six Months' Consumption, and the Dread of actual Want is for the present removed. It is now My Intention to make up the Quantity of Grain in the Stores to what will be Necessary for the Supply of Eight Months, and in future to keep it up to that Standard as nearly as possible. With this View and during the time that Scarcity most threatened, I Commissioned a Quantity of Wheat for the Use of this Government from Bengal, which I expect will Arrive in about two Months hence, and that it will not cost Government on delivery here more than Eight Shillings per Bushel. At this price, however, it will not be so cheap as the Wheat produced in the Colony would be at ten Shillings per Bushel, it being not only of an Inferior Quality, but also particularly Subject to the Weavil, an Insect which destroys it in great Quantities. The Wheat of this Country is therefore on every Account to be preferred, even at the Increased price of 10s. pr. Bushel, and I am now from Experience Convinced that the Farmers Cannot bring it to Market at a cheaper rate, so as to derive Encouragement enough to Induce them to persevere in that Branch of their Farming Concerns. I express this Opinion with the greater Confidence from the Circumstance of having reduced the price for some time before the Scarcity to Eight

Grain supplies
to be kept
in store.

Wheat to be
imported
from Bengal.

Preference for
colonial wheat.

Legitimate
market value
of wheat.

1814.
28 April.

Standard price
of wheat to
be increased.

Accounts
current.

Increase in
expenditure.

Causes of
increased
expenditure.

Dollars placed
in circulation.

Shillings, the Consequence of which I have found to be that the Farmers Ceased to Cultivate a Sufficiency of Grain for the Necessary Consumption, that price not affording them an adequate Remuneration for their Labor and Expence in bringing it to Market. From this Consideration of the Case, I beg to apprise Your Lordship that I mean to raise the price the next Season from Eight Shillings (to which I had reduced it) to the Old Standard of Ten Shillings, which will hold out sufficient Encouragement to the Farmers to Cultivate to the full Extent of the Necessary Consumption of the Colony, and be at the same time Cheaper to Government than any foreign Grain that Can be Imported. I trust this Measure, at once Meant to benefit the Settlers and to relieve Government from the extraordinary Expence Attending the Import of Grain from India or elsewhere, will meet Your Lordship's Concurrence and Approbation.

16. I have the Honor to transmit Your Lordship herewith the Accounts Current of the Expences of the Colony for the last Eight Months, Commencing from the 25th of June, 1813 (the Period to which my last transmitted Accounts Came up) to the 24th of February, 1814; and in Soliciting Your Lordship's Attention to them, I have to express my regret that they have very much exceeded what I hoped and expected they would have done; but I trust the Necessity, which imposed the painful Task of sanctioning so Weighty an Expenditure, will appear Satisfactory to Your Lordship, and fully sufficient to warrant my Acquiescence in it. The rapid increase in the price of Wheat and other Grain in proportion, owing to the Circumstances I have just Stated, has occasioned one very Considerable Item in these Accounts; The Expences of the subordinate Settlements in Van Diemen's Land, and at Norfolk Island, are also Included, which are in themselves very Considerable; to these are also to be added the Amount paid to the Norfolk Island Settlers in full for all their heretofore Unsettled Claims. The Expence, Incurred by the Victualling both the 46th and 73d Regiments for some Months previous to the Embarkation of the latter for Ceylon, has been also very great. From a due Consideration of all these Circumstances I feel Confident Your Lordship will do me the justice to believe that I have been under the Inevitable Necessity of Incurring these Expences for the Carrying on of the Service, and that no Expenditure has been Sanctioned, which the Honor of the Service and the State of the Colony did not imperiously demand.

17. The greater part of the Dollars, which I received from India for this Government, are now in Circulation at the rate of Six Shillings and three pence, Sterling, each, agreeably to the

1814.
28 April.
Advantages
of specie in
circulation.

plan I had the Honor of Communicating to Your Lordship in a former Dispatch,* and I have great Satisfaction in adding that they are likely to be productive of very important Benefit to this Government and the Colony at large, by Constituting a valuable Circulating Medium in all Intercourses of Trade, in lieu of the Currency Notes of Hand, which from the Necessity of the Case have heretofore had a Circulation, much to the prejudice of fair Trade.

Consolidation
of specie into
bills on the
treasury.

In my Proclamation* issued at the time these Dollars were prepared for Circulation, I limited the Period for the Consolidating them to two Years, but finding that so distant a Period was likely to Come to the prejudice of their Circulation, with the public, and particularly with foreign Merchants trading hither, I have since rescinded that part of the Proclamation and substituted the period of three Months, which has given much Satisfaction and will secure the desired Circulation. The Confidence of the Public is now so completely Secured by Authorizing the Deputy Commy. General to Consolidate this Specie by drawing Bills Quarterly on the Lords of the Treasury for any Sum not less than one Hundred Pounds, that its Circulation is now as free as that of Sterling Money at home; and I rest Confident in this Alteration meeting Your Lordship's Approbation for the Causes stated. When the Whole shall be put in Circulation, I shall require the Deputy Commissary General to give me a Receipt for the Amount,† which I shall by a future opportunity transmit to Your Lordship. In the mean time The Deputy Commissary gives me Credit in his public Accounts for the Sums already issued to him.

Proposed daily
issue of spirits
to the military.

18. Altho' it has not been the practice in this Colony heretofore to Issue a daily Allowance of Spirits to the Troops Serving in it, yet as it is the Custom to do so in most of the other British Colonies and foreign Garrisons, I respectfully submit to Your Lordship's favorable Consideration the Propriety and Justice of Extending this Indulgence to the Troops serving here also; and I beg to add as a further Motive for the Adoption of this Measure, that the Soldiers on this Station Consider it a great Hardship to be debarred from this general Rule of the Service. If this should meet Your Lordship's Approbation, I have to request that You will Instruct the Commissary in Chief to send orders to that Effect to the Deputy Commissary General at Sydney. Did I not Conceive that the Issue of Spirits regularly to the Troops would be so far from Encouraging Drunkenness, that it would greatly Contribute to their general Sobriety, I should not attempt to recommend it to Your Lordship's Consideration; but I am well Convinced that the Scenes of Dissi-

* Note 36. † Note 37.

pation, which took place in the 73d Regt., were very much owing to the Circumstance of their having only one opportunity Monthly (on receiving their Pay) for the Enjoyment of the propensity to drink, which is so prevalent among that Rank of Society; and if they had been in the Habit of Obtaining a daily Allowance, I conceive they would have been perfectly satisfied with it, and consequently not disposed to any extravagant Intemperance at any particular time. In recommending this Measure, I have further to inform Your Lordship that, whilst the Soldiers in other Settlements and Garrisons are Charged Sixpence per day for their Rations and Spirits, the Troops here (who do not receive Spirits) are Charged only three pence half penny; but in the Event of Your Lordship authorizing the Issue of a daily Allowance of Spirits, it will be reasonable to charge for the Ration and Spirits 6d. per day, as in other Settlements, the additional 2½d. being but a fair Charge for the proportion of Spirits. The Quantity of Spirits, which would be thus Consumed by the Military, would in itself hold out a Considerable Encouragement to the Establishment of a Distillery, which I hope soon to see effected; that being a Measure, which I conceive will hold out such permanent Encouragement to the Growth of Grain, that the Apprehension of Scarcity need never afterwards be entertained here, and at the same time Supplying a Wholesome Spirit; the Country would Cease purchasing the destructive Spirits of Bengal, or Rio-de-Janeiro, whereby a very large Sum of Money would be retained in the Country, and ready for the purchase of British Produce and Manufactures.

1814.
28 April.

Anticipated
advantage of
the issue of
spirits to the
military.

Proposed
charges.

Proposed
establishment
of a distillery.

I feel it incumbent on me to observe to Your Lordship that in my Opinion the Number of Troops now in this Country is altogether Inadequate to the Defence of it, even against such internal Opposition as its Population Could furnish, and still much less is it equal to the Defence of it against the Attack of a foreign Enemy. To this Subject I Consider it my Duty most earnestly to request Your Lordship's serious Attention as an Object of primary Importance to the preservation of this Settlement. Combining the Considerations of the Amount of the Population of this Country, and its peculiarly heterogeneous description, I am decidedly of opinion that the Corps sent here for its Defence (exclusive of the Veteran Company) ought never to be less Strong than 800 Rank and File, which Force should be disposed of in the following Way; namely, for each of the Settlements of Hobart Town and Port Dalrymple in Van Diemen's Land there should be a Garrison of at least 100 Rank and File, and at Newcastle or the Coal River, whither our most irclaimable and desperate Convicts are sent as a punishment for

Inadequacy
of military
garrison.

Proposed
numbers and
disposition of
troops.

1814.
28 April.

Employment of
the veteran
company.

Proposed
augmentation
of the 46th
regiment.

Occasional
duties assigned
to the military.

Military
precautions
necessary
against foreign
invasion.

their Offences here, there should be A Garrison of fifty Rank and File; After these Detachments being made, there would remain 550 Rank and File to Garrison the Town of Sydney, the Seat of Government and of all the public Departments, which is Certainly as Small a Number as should be assigned for that purpose. The Veteran Company would in this Case be barely equal to the furnishing the necessary Guards of protection for the Towns of Parramatta, Windsor and Liverpool, with the Smaller Posts throughout the Colony. I therefore beg leave to recommend in the Strongest Manner to Your Lordship, that the 46th Regt. may be Augmented in this Country as speedily as possible to 800 Rank and File. Its present Strength in this Country, including Non Commissioned Officers and Drummers, is only 372 Men, out of which Number there remain at Head Quarters, after detaching Small Garrisons to Van Diemen's Land and Newcastle, only 167 Men, which are by no means Capable of furnishing the Various Guards necessary to its Defence alone, Whilst as the Head Quarters, it should have an extra disposeable Force at all times ready for such Emergencies as might Occur. Parties are frequently required to be sent from hence in quest of Runaway Convicts, or as they are termed "Bush Rangers" and Natives. Some of these latter occasionally manifesting a Spirit of Hostility, tho' it must be admitted that this rarely Occurs, unless in Retaliation for Injuries done them Wantonly by the Settlers or their Servants; such Duties, however, require that there should be a Considerable disposeable Force at Sydney. From this Statement I trust Your Lordship will perceive that the Military Establishment now here is altogether incompetent to the Duties of the Settlement, and that you will direct it to be augmented to 800 Rank and File at the very least.

In the Event of foreign Invasion, this Colony is at present peculiarly ill enabled to make a Defence, from the Want of a Suitable Establishment of Artillery, which I beg leave to bring under Your Lordship's Notice, and I Conceive that a Detachment of half a Company of the Royal Artillery should be sent here, together with some heavy Ordnance and about one thousand stand of Small Arms, which latter I would propose to place in the Hands of the better and most Trust-worthy Description of the Settlers as a temporary Militia on any sudden Emergency or Invasion by a foreign Enemy. On this Subject I am led to express myself with the greater Earnestness, being well assured that even the Annoyance of this infant Settlement is an Object seriously in Contemplation with the restless and ambitious Despot of France, and with our present means we are very ill

enabled to make an effectual Resistance to such an Attack. If your Lordship should be pleased to Admit the Expediency of sending such a Re-inforcement of the Artillery, as I have taken the Liberty to recommend, I would further request that the Officer sent in Command of it should be one that is well qualified to act as a Military Engineer, and fully Capable of directing the Construction of Batteries and regular Fortifications. From my local Knowledge of this Country and my Experience as a Military Man, I would recommend that the Ordnance to be sent out should Consist of Sixteen Guns, Eighteen Pounders, Fourteen twelve Pounders, and Four Brass Six pound Field Pieces, with Carriages and a suitable Quantity of Ammunition. The small Arms for the Militia will also demand a proportionable Supply of Ball Cartridge, &c. With such an Encrease of the Forces and Warlike preparations, as I have now had the Honor of proposing for Your Lordship's Consideration, I feel Confident that the Internal Tranquility of the Country may be fully preserved, and all attacks, which may be Attempted from without, effectually resisted and defeated.

1814.
28 April.

Necessity for
a military
engineer.

Ordnance
required.

20. The Increasing Population of this Colony and the very limited Extent of Land within its present Boundaries, rendering it an Object of the Utmost Importance to discover if possible some new Tract of Country fit for Cultivation, I have to announce to Your Lordship that, in November last, I dispatched a small party of Men under the Direction of Mr. George Wm. Evans, one of the Colonial Assistant Land Surveyors, with Instructions* to endeavour to effect a Passage from a place called Emu Island in as nearly a due Western Direction as possible over the blue Mountains, which have been hithertofore the boundary of this Colony on the West, and also to the South West, and North West; and if the Country on the other Side should appear worth the exploring, He had my orders to proceed through it, as far as the Quantity of Provisions which the party was able to Carry would enable him, so as that on the whole Tour He should not exceed Eight Weeks Absence. It is now with much pleasure I have to inform Your Lordship that this Tour† has been most happily Effected in the Course of Seven Weeks and without any Accident having Occurred. The General Substance of Mr. Evans's Report of this new Country is that it Contains a Number of Extensive and very fertile Plains, very thinly wooded, and well watered by a Variety of Streams and some Considerable Rivers, abounding in Fish of a kind unknown to him, but of remarkably fine Flavour and large Size. The Quality of Land is represented as much superior to any in New South Wales, or in Van Diemen's Land, and the Passage over

G. W. Evans
sent to explore
the Blue
Mountains.

To examine
the country
west of the
mountains.

Evans' report on
his discoveries.

* Note 15. † Note 38.

1814.
28 April.

Evans' journal.

Natural
productions
of the new
country.

Proposed name
for new
country.

Road to be
made across
the mountains.

Proposed visit
of Macquarie
to the new
country.

The problem of
the wild cattle.

the Mountains, which is very rugged and much entangled by Timber and Brush Wood, is Capable of being rendered tolerably passable at no very Considerable Expence. For Your Lordship's complete Information on this important Subject, I now do myself the Honor to transmit you the Journal of Mr. Evans's Tour, and also his Map of the Explored Country, and its Chain of Connection with the present Colony. I also send Your Lordship some Specimens of the Pebbles and Minerals found in the Course of this Tour, and a sample of Timber, altogether different from any which has been ever found on this Side of the Western or Blue Mountains. Under Your Lordship's Approbation, I propose to Name this New Country "*West-more-land*," but I shall wait Your Lordship's Commands on this Head before I give it any distinguishing Name. For the purpose of rendering this new Tract beneficial to the Settlers at as early a Period as possible, it is My Intention to Cause a Cart Road to be Constructed over the blue Mountains to the Commencement of the first Plains, mentioned in the Journal, beyond those Mountains. Mr. Evans has informed Me that such a Road may be Completed in about three Months by a Gang of Fifty Labourers. The Expence of Constructing it, I mean to defray out of the Colonial Funds, which Measure will I trust meet Your Lordship's Approbation.

When this Road shall be so far Completed as to admit of a Provision Cart passing over it, I mean to proceed myself thro' this new Country to the Extent of the present Tour, taking with me the Surveyor General and two or three Intelligent Persons, who will enable me to Appreciate the true Value of the Discovery more fully than Could be expected from Mr. Evans in his first and hurried View of it. My own Remarks and the Judgment I shall form, with the Assistance of the Gentlemen whom I shall have to accompany me, in regard to the Capabilities and general Importance of this Country, I shall do myself the Honor to make Your Lordship a faithful Report of on my Return to Head Quarters.

21. Having some time ago addressed Your Lordship at Considerable Length on the Subject of the Government Wild Cattle,* I trust that Subject has been favoured with Your Consideration, and that I shall be soon Honored with Your Lordship's Commands thereon. In their present State they are so far from being beneficial, either to the Government or the Country, that they are highly prejudicial to both; their Numbers holding out Encouragement to the most profligate of the Convicts to desert from their Duty by affording them such ample means of Subsistence; and the land occupied by these Cattle being the best

* Note 39.

on this Side of the blue Mountains, and heretofore reserved exclusively for them, obliges the Settlers to take their Lands of an Inferior Quality, Whereby the General Produce is Obtained with more Difficulty and Consequently at a greater Expence. Every Day's Observation tends to Convince Me that the Plan of Taming these Cattle, and blending them with the tame Herds of Government, which I have already Submitted to Your Lordship, is perfectly practicable, and would be attended with the most beneficial Consequences; were this once accomplished, it would save an immense Expence to Government by the Quantity of Meat which would be thus obtained without the Necessity for purchasing from Individuals. Besides, good Land is now so Scarce that the late Arrivals of Free Settlers can scarcely be accommodated with Land fit for Cultivation within the present Limits of the Colony, and the Land, which would be appropriable to that purpose in the extensive Tracts of rich Soil now occupied by those Cattle, would be a most Valuable Accession to our present Means.

1814.
28 April.

Proposed
taming of
the cattle.

Value of the
pastures
occupied.

22. In a former Dispatch* addressed to Your Lordship, I also suggested that in my opinion the Establishment of a Distillery on a large Scale would be most highly Conducive to the Improvement and future prosperity of the Colony. I hope this Subject may have met Your Lordship's favorable Consideration, and that I shall be soon Honored with Your Commands upon it.

Advocacy of
a distillery.

23. By the latest Accounts from Lieut. Governor Davey, I have had the pleasure to learn that the Settlements in Van Diemen's Land were in a peaceable and very thriving State. The last Harvest at those Settlements has been abundant, and they are in Consequence enabled to dispose of a Considerable quantity of Grain beyond what it is necessary for them to retain for their own Consumption. In Consequence of this I have Instructed Lieut. Govr. Davey to purchase all the Surplus Grain at those Settlements, and to send it hither for the Use of Government.

Progress of
settlements
in Tasmania.

24. I take the Liberty of Again Soliciting Your Lordship's Attention to the Necessity of having a properly Qualified Judge Advocate sent to Van Diemen's Land, and the establishing distinct Courts of Justice on that Island. At present, the Inhabitants are exposed to great Inconvenience, Loss of time, Expence, and personal Risk, by being obliged to resort to the Courts at Sydney in all Cases whether of a Civil or Criminal Nature, wherein they are Concerned, Whether as Parties or Evidences. The distance of the Voyage from Van Diemen's Land to Port Jackson being nearly 700 Miles will I trust fully plead the Necessity for separate Courts being established there.

Necessity for
law courts in
Tasmania.

1814.
28 April.

Public works
in course of
construction.

Completion of
road between
Sydney and
Windsor.

Roads from
Liverpool to
Sydney and
Parramatta.

Proposed
road from
Parramatta
to Emu ford.

Expenditure
on roads.

25. The Buildings and Improvements* now in progress at Sydney and the other parts of the Colony at the Expence of Government are the following; Viz. *Barracks* for the Soldiers and Officers; a *Stone Wall*, ten feet high to surround the Entire of the Said Barracks, and enclosing an extensive Area for a Parade and Exercise Ground, the great object of this Wall is to restrain as much as possible the Intercourse between the Military and the Inhabitants of the Town; A *Military Hospital*, the present one being in a ruinous Condition; A *House and Office* for the Secretary to Government, to Serve as an Office of Records, and as a private Residence, and a Dwelling House for the resident Chaplain at Sydney. All which are absolutely Necessary and Indispensable, and I am induced to hope that they will be All Completed in the Course of Eighteen Months from the present time. When these Buildings shall be Completed, I will be enabled to make a very Considerable Reduction in the Several Gangs of Artificers and Labourers, whereby the Expenditure will be proportionably reduced; a very good Road† has been some time since Completed between the Towns of Sydney and Windsor on the Banks of the Hawkesbury, passing thro' the Town of Parramatta, being a Distance of 38 Miles. Another Road between Sydney and Liverpool is now nearly Completed, and one from Liverpool to Parramatta is in progress, which two latter will be a distance of 25 Miles. The Road from Sydney to Windsor has Turnpikes on it in the Neighbourhood of the Towns of Sydney, Parramatta and Windsor, and it is My Intention to Erect Turnpikes on that leading to Liverpool, and thence to Parramatta. When the Liverpool Road shall be finished, I purpose to Commence on a Line of Road from the Town of Parramatta, and to Carry it on in a due Western Direction to the River Nepean, which will be a distance of about 30 Miles; this Road will lead to a Ford on the River, by which Men and Cattle will be enabled to Cross, and by that means to reach the newly discovered Country to the West of the blue Mountains, by the Road which I have already mentioned to Your Lordship my Intention of having Cut across those Mountains from Emu Island.

As these Roads will be of the Utmost Advantage to the Prosperity and welfare of the Colony at large, I trust Your Lordship will approve of their being Undertaken; the Expence will be Considerable, but it will be repaid finally by the Tolls which will be levied on them, and in the Mean time the Interest will be paid by those Tolls, and the Roads kept in good Repair. The Money Necessary for these important Improvements will be

* Note 41. † Note 42.

drawn from the Colonial Funds, which I entertain the Hope will meet Your Lordship's fullest Approbation.

1814.
28 April.

26. Exclusive of the public Buildings which I have already mentioned, there are three others Very Necessary and much Wanted in the Town of Sydney, namely, a Church, a Court House and a Lodge (or Work House), for Male and female Convicts. The present Church is so very small that it is not Capable of Containing a tenth part of the population of the Town, which may be Computed at five thousand Souls, exclusive of the Military, and this Insufficiency of the Church to accommodate the Inhabitants prevents Members from attending Divine Worship. A Court House is indispensably Necessary, the Room at present Used* for that purpose being totally inadequate, particularly under the New Modelled System of Trial by Jury, when that shall be introduced. The want of a proper Lodge or Work House for the Accommodation of both Male and female Convicts on their Arrival is severely felt, and such a Building is not only extremely necessary and desirable, in regard to the Comforts of the unfortunate persons themselves, but also to enable the executive Authority to keep a due Control over them, and by that Means to lay the Foundation for their more Speedy Reformation. These three Buildings, however Important, requiring a Weighty Expenditure, shall be deferred Until such time as I shall be Honored with Your Lordship's special Commands on that Subject. A Court House, being however more immediately required than either of the other two proposed Buildings, I do myself the Honor to transmit Your Lordship the Elevation and Ground Plan of one proposed, *with Your Lordship's Approbation*, to be built here, and an Estimate of the Expence which it is supposed would be required to Complete it, Contained in a Letter addressed to me by the Architect, Mr. Matthew. I have already done myself the Honor to address Your Lordship on this Subject under date the 20th of August last, per The Ship Phoenix, Whaler, wherein I apprized Your Lordship that a subscription had been entered into by the principal Inhabitants of the Colony for the Building of a Court House; but these, however Strongly they may mark the general Sense of the Necessity for such a Building, fall far Short of being adequate to the Object, not amounting to more than about one third of the estimated Expence. Under these Circumstances, I beg again to Submit to Your Lordship's Consideration the propriety of Soliciting Aid from Government to the Amount of £3,000 by a Grant from Parliament. The Expence beyond this Sum might probably be defrayed by Voluntary Subscriptions in the Colony, or the Deficiency made up from the Colonial Funds.

Public buildings
required at
Sydney.

Inadequacy of
St. Phillip's
church.

Necessity for
a court-house ;

and for convict
barracks.

Plans and
estimates for
a court-house.

1814.
28 April.

The Trial by Jury under the new Arrangement of the Courts necessarily requiring much more Room than the small Apartment now Used for a Court House, I request Your Lordship to favor me with Your Commands as early on this Subject, as Your Lordship may find Convenient.

A chaplain to
be stationed at
Castlereagh.

27. The populous District of Castlereagh on the Banks of the River Nepean, requiring a Chaplain to be permanently settled there, I have the honor to acquaint Your Lordship that I have lately Erected there a Comfortable Glebe House and Offices for the Accommodation of the Clergyman of that District, and they being now nearly Completed, I purpose shortly to send thither the Reverend Henry Fulton, who at present Officiates Conjointly with Mr. Cowper at Sydney.

Buildings
erected at
Castlereagh.

The Expence of building this Glebe House and Offices is paid from the Colonial Funds, and a School House will be immediately erected there at the Expence of the Settlers themselves with a Small Assistance from Government, which Building is meant to Serve as a temporary Chapel, until a regular Church shall be Erected at some future day. School-Houses, which serve as Chapels, have been already Erected in the Townships of Liverpool, Windsor, Richmond, and Wilberforce, Where Divine Service is regularly performed on Sundays, and the Instruction of the Children has been for some time Attended to during the Week days.

School-houses
erected in
several towns.

Proposed
appointment
of three
clergymen
and three
schoolmasters.

28. As the Establishment of respectable Clergymen and School Masters in the several Districts now Inhabited would greatly Contribute to the Reformation of the Morals of the lower orders of the people, and to the implanting religious Principles in the Minds of the rising Generation, I beg to recommend to Your Lordship the sending hither Three Clergymen and as many School-Masters of Sedate Characters, the present Establishment being inadequate to the extended State of the Colony; one of these additional Chaplains I would propose to retain at Sydney, the Duty being too Weighty for one Clergyman; there being no Chaplain yet appointed to the Populous District of Liverpool, there should be one sent there and a School Master, and the third Chaplain and a School Master should be sent to Port Dalrymple, where there never has been a Chaplain heretofore, Altho' that Settlement has been long established; the third School-Master should be sent to the Township of Castlereagh. The Expence of these additional Chaplains and School Masters would Certainly be very Considerable, but I conceive the Benefits arising from it on the vitiated Morals of the people of this Country, and those which might be expected from decent Education, would most amply Compensate for that Expenditure.

29. As, on Occasions of Sickness in the Interior remote parts of this Colony, the Settlers and the Men Assigned to them from Government are subjected to much Distress, even to the Loss of their Lives, in Consequence of having no Medical Aid Near them, I beg Leave to recommend that a few respectable Medical Men should be encouraged to come out to this Colony, as *Free Settlers*,* which I think it is probable many would be willing to do, were they assured of obtaining liberal Grants of Land with the Usual Indulgences, without Government being put to further Expence, and their Establishment would be of great Importance in the distant Settlements.

1814.
28 April.
Medical men as
free settlers to
be encouraged.

30. I am sorry to be under the disagreeable Necessity of reporting to Your Lordship that Mr. Henry St. John Younge, the last Medical Officer sent out to this Country, and who arrived by the Earl Spencer, Transport, in October last, is by no means a desirable Acquisition in the Line of his Profession. He is exceedingly Ignorant as a Medical Man, being almost destitute of common Understanding, and very low and Vulgar in his Manners. From this Description Your Lordship will perceive that he is a very Unsuitable person to fill a Situation of such Responsibility as that which has been Assigned to him. I feel the more Necessity for making this Communication to Your Lordship, in regard to Mr. Younge's Qualification, in the Hope that Your Lordship may direct a more Minute Investigation of Medical Candidates for this Colony to take place, and that they shall be Certified as duly Qualified by the Army Medical Board previous to being appointed.

Incompetency
of Younge
as surgeon.

31. Mr. Assistant Surgeon Luttrell, who has been until lately stationed at Parramatta, having made a Demand on Government for pecuniary Remuneration for Medical Attendance on the Military Detachment Stationed here, I beg to Inform Your Lordship that I have resisted the Demand on the Ground that he was amply paid as an Assistant Surgeon on this Establishment without any further Remuneration whatever. I am sorry to add in regard to Mr. Luttrell that so far from performing extra Duty, he has been very Culpably Negligent of that which he ought to perform, and in Consequence of this Neglect I have been under the Necessity of removing him lately from Parramatta to Sydney, in order to his being more immediately under the Eye and Control of the Principal Surgeon. Mr. Luttrell, having procured a Certificate of his having Attended on the Military at Parramatta from Lieut. Colonel O'Connell, Commanding the 73rd Regt., I understand that he means to make an official application to His Royal Highness the Commander in Chief for that Remuneration for his Attendance on the Detachment,

Claims by
Luttrell for
professional
attendance on
the military.

1814.
28 April.

Luttrell's
claims not
recommended
by Macquarie.

which I have Considered it my Duty to with-hold from him, as altogether unreasonable. I deem it my Duty thus to apprize Your Lordship of Mr. Luttrell's intended Application to His Royal Highness the Commander in Chief, in order that Your Lordship may take such Steps as may appear adviseable for preventing the Compliance of His Royal Highness with a Claim, which appears to me highly unwarrantable and unjust. If it should be admitted it will of Course form a fair Precedent for similar ones being made by the other Assistant Surgeons at the Several Subordinate Settlements, where Military Parties are Stationed.

Indulgence of
civil and
medical officers
in mercantile
speculations.

32. I beg to draw Your Lordship's Attention to the Consideration of a Circumstance which I am now about to State. It has been long the practice, among the Officers of the Civil and Medical Departments in this Colony, to be deeply Concerned in Mercantile Speculations to the prejudice of the fair licensed Dealers and to the great Injury of that part of the Public Service Committed to their Trust. No Exertion on my part has been wanting to repress this highly improper and discreditable practice, but I am sorry to add that I have much Reason to believe it is Still persevered in, in an underhand and Clandestine Way. My Efforts to repress this Traffic has been particularly unsuccessful at the Subordinate Settlements of Hobart Town and Port Dalrymple in Van Diemen's Land. At these Settlements, the Officers of the Commissariat and Medical Departments have been in the habit of openly Carrying on Trade, in defiance of all orders to the Contrary and to the disgrace of their respective Official Characters. If Your Lordship would favour me with a Strong Order, prohibiting under the Severest Penalties All Civil, Military, Naval, or Medical Officers from being Concerned, directly or indirectly, in any Trade or Mercantile Concern Whatever, I Conceive it would be attended with the happiest Consequences to the Public Service and to the Community at large. At present I do not feel myself justified in resorting to more Coercive Measures to restrain this Practice, than those I have already Stated as inadequate to the Object, and therefore I conceive the Special Commands of His Royal Highness the Prince Regent, conveyed to me thro' Your Lordship, would enable me effectually to Strike at the Root of the Evil Complained of. An Injunction of the Kind now suggested would be most particularly necessary in regard to Officers of the Commissariat Department, they having it in their power, much more than any others, to abuse the Trust reposed in them to the very great Injury of the Service. A very flagrant Instance of this has lately occurred here, which I have now to

Request for
specific
instructions
prohibiting
trading by
officials.

lay before Your Lordship. Mr. William Brodie, who came out from England lately as a Clerk in the Commissariat under Mr. Deputy Commissary General Allan on the New Arrangement of that Department, having been appointed to the Issuing Provision Store at Sydney, was discovered to have Robbed it of several Casks of Salt Meat, which he sold to persons residing here, *as his own private Trade*; on being informed of this disgraceful Conduct, I Caused Mr. Brodie to be Committed to Jail, and he has been since Clearly Convicted of the Crime before a Criminal Court, and Sentenced to Two Years Imprisonment in the Jail of Parramatta; where he is now accordingly confined.

1814.
28 April.
Robberies
committed by a
commissariat
clerk.

Trial and
conviction of
Brodie.

33. In Consequence of this base and disgraceful Conduct, Mr. Brodie's Appointment as a Clerk in the Commissariat Department has become Vacant, he being no longer worthy of being retained in it. The Situation however requiring to be promptly filled, I have selected Mr. George Johnstone (son of Mr. Johnstone, late Lieut. Colonel of the 102d Regt.) for that Situation, until I shall be favored with the further Pleasure of the Lords Commissioners of His Majesty's Treasury and of the Commissary in Chief. Mr. Deputy Commissary General Allan has recommended Mr. Johnstone for the Situation, and from my own personal Knowledge of his Character, Disposition and Talents, I have every Reason to believe that this Young Man will be a great Acquisition to the Department. Under these Considerations I trust Your Lordship will Approve of my Appointment of him, and I beg at the same time to solicit Your Lordship to be pleased to recommend him to the Lords of the Treasury and the Commissary in Chief to Confirm My Appointment of him.

George Johnstone
appointed to
succeed Brodie.

34. Mr. Deputy Commissary General Allan having also recommended Mr. Richard Fitzgerald to me for a Clerkship in the Commissariat Department, I have to inform Your Lordship that on the 16th of October last I appointed him a Clerk, until the pleasure of the Lords of the Treasury should be known. Mr. Fitzgerald having been long employed by this Government as a Store-Keeper at Windsor on the Hawkesbury, and performed the Duties of that Situation with the greatest Zeal, Vigilance and Integrity, and being in every other Respect Well Qualified for the Appointment thus Conferred on him, I hope for Your Lordship's Approval of it, and beg on this Occasion also to solicit Your Lordship's Condescending Recommendation of Mr. Fitzgerald to the Lords of the Treasury and the Commissary in Chief for Their Confirmation of his Appointment.

Appointment of
Fitzgerald as
clerk in the
commissariat.

35. Some appointments, which were filled by Officers of the 73d Regiment, having become Vacant by the Removal of that Regiment, and the Situation of Superintendent of the Govern-

1814.
28 April.

Military
and civil
appointments.

ment Herds having been resigned lately by Mr. George Palmer, I have now the Honor to report to Your Lordship that I have appointed the following persons to fill those Vacancies. Vizt:

- 1st. Captn. Jno. M. Gill of the 46th Regt. to be Acting Engineer, Artillery Officer and Inspector of Public Works at Sydney.
- 2d. Charles McIntosh, Esqr., late Quarter Master in the 73rd Regt., to be Barrack Master at Sydney.
- 3d. James Gordon, Esqr., to be Naval Officer at Hobart Town in Van Diemen's Land.
- 4th. Mr. Rowland Hassall to be Superintendant of Government Herds and Stock in the Room of Mr. George Palmer, resigned.

Office of
Naval officer
abolished at
Port Dalrymple.

36. The Trade at the Settlement of Port Dalrymple in Van Diemen's Land not proving Sufficiently Important to Warrant the Continuance of the Appointment of a Naval Officer, I have lately abolished that Office, and directed that the trifling Duties of that Department shall be for the present performed by the Harbour Master, which Reduction of the Establishment will, I trust, meet Your Lordship's Approbation.

Arrival of
John Piper.

37. Captain John Piper, formerly of the 102d Regt., who arrived from England in February last with the Appointment of Naval Officer at Sydney, was appointed to the Exercise of the Duties of that Office shortly after his arrival.

Compensation
refused by
John Hartley.

38. I have also to report to Your Lordship that Mr. Hartley, who came here as Naval Officer during the Administration of Lord Castlereagh as Secretary of State for the Colonies, has declined accepting the liberal Remuneration offered him for his Disappointment in not being permitted to enter upon that Situation. He has also declined becoming a Settler and has intimated his Intention of returning to England to seek Redress for the Injuries he considers himself as having suffered. Herewith I do myself the Honor to transmit for Your Lordship's Perusal a Copy of the Correspondence, which took place between Mr. Hartley and myself, thro' my Secretary, on the Subject of his Appointment and Consequent Claims on Government.

Resignation of
Humphreys as
mineralogist.

39. In a former Dispatch,* I had the Honor to report to Your Lordship that Mr. Humphreys, who was sent to this Colony several Years ago in the Capacity of the Mineralogist, had resigned that Situation in Consequence of my having required him to furnish me with Quarterly Reports of his Discoveries, Researches and Experiments. In fact, Mr. Humphreys was very unfit for that Situation, being of an indolent Habit and exceedingly reluctant to take any Trouble Whatever in the Line of his Profession.

* Note 44.

Your Lordship recommended Mr. Hutchison (who came out here as a Convict some time ago) to me to be employed in a similar Line here, to that of Mr. Humphreys at the Southward. I mean to address a Letter by this Opportunity to Your Lordship on that Subject exclusively, and as I shall strongly recommend the Appointment of a Well qualified Person for that Situation, I beg to refer Your Lordship to that Letter for my Sentiments at large. Very good Lime Stone has been lately discovered near Hobart Town, and I would hope that a Person Skilful in that Way might also find Lime Stone in this part of the Colony. Several Veins of Coals have been lately discovered near Sydney, which may at no very distant Day be of great Importance.

1814.
28 April.

Appointment of
a mineralogist
at Sydney.

Discovery of
limestone near
Hobart ;

and of coal
near Sydney.

40. I have now to report to Your Lordship what I find I have heretofore inadvertently omitted to do. The Governor of Bengal, having made Trial of the Quality of some Coals from this Country, has been so pleased with them that He made a Requisition to me to Supply him annually with 154 Tons for the Use of the Government Foundry or Forge at Calcutta, where they have been found to answer remarkably well. I have in Consequence furnished that Quantity from *Our Newcastle*, and for the small Amount I receive in Return Bengal Rum for the Use of this Government.

Annual
shipment
of coal to
Calcutta.

41. Agreeably to Your Lordship's Commands, I have Located a liberal Portion of Land, namely Three thousand Acres, to Mr. John Dickson,* Free Settler, and Civil Architect, who arrived in October last by the ship Earl Spencer. I have also assigned him the Services of Ten Government Men on the Stores for the Term of Eighteen Months, and I have also given him a Most Convenient and Eligible Situation in the Town of Sydney, having a Run of fresh Water thro' it, for him to Erect his Mills, Steam Engine, and various Machinery on. Having brought a Considerable Capital with him, and being of an Enterprizing Spirit and persevering Industry, I look upon Mr. Dickson as a very great Acquisition to the Colony. He has already made Considerable Progress in the Erection of his Mills, which he expects to have so far Completed as to be ready for the double purpose of grinding Grain and Sawing Timber on a large Scale in the Course of Six Months from the present time.

Land grants and
convicts given
to Dickson.

Erection
of mills.

42. I have the Honor to transmit herewith for Your Lordship's favourable Consideration the Copy of a Letter addressed to me by Lieut. Governor Molle on the Subject of the Period of Time at which His Salary as Lieutenant Governor of this Territory should Commence, which He Conceives should be from the Date of his Commission. As it appears that Lieut. Governor O'Connell drew his Salary from the Date of his Commission, it seems

The salary of
lieut.-governor
Molle.

* Note 45.

1814.
28 April.

reasonable that Lieut. Governor Molle should have the same Indulgence. On this Ground, I beg Leave to solicit Your Lordship's Approbation of Lieut. Governor Molle drawing his Salary from the Day on which his Commission was dated.

Seizure of the
Unity by
convicts.

Petition of
Mansel for
compensation.

43. In a Dispatch, which I had the Honor of addressing to Your Lordship on the 31st of August last (No. 12), the Duplicate of which goes by the present Conveyance, I informed Your Lordship of the piratical Capture of the Colonial Vessel, *Unity*, of Port Jackson with the Valuable Property on board of her, by Seven Convicts at Hobart Town. Since that Period, until the present time, No Account has been heard of the Captors. I beg now to hand Your Lordship a Memorial, Addressed to me by Mr. William Hobart Mansel, the Owner of that Vessel and Property, who is a Trader residing at this place, Soliciting Relief for the Injury he has thus Sustained. The Case of Mr. Mansel is Certainly much to be pitied; how far it would be adviseable to remunerate him for the Loss he has suffered, I must beg leave to refer altogether to Your Lordship's superior Consideration and Judgment. I beg however to Observe here, that to remunerate him in full might be making a dangerous Precedent, which would, no doubt, be resorted to by others on any similar Occasion, which, I think it very probable, will not in future be very Unfrequent. The Extent of Remuneration should in my Opinion be a Moderate Grant of Land from the Crown.

Land granted to
Edward Lord.

Refusal
of Lord's
application
for additional
grant.

44. In pursuance of Your Lordship's Commands, I some time since made a Grant of Three Thousand Acres of Land to Mr. Edward Lord,* formerly a Lieutenant of Marines. I have now to inform Your Lordship that he has not been Content with that Quantity, and has applied for an Additional Grant to the same Amount. This Request appearing to me Most Unreasonable I have consequently not Complied with. Indeed what he has already received appears to me full as liberal as he can have any Claims for on Government, and much more so than any Merits, which he possesses, seem to entitle him to, when Considered in the same Light with other Free Settlers. In this View of the Subject I hope my Conduct will meet Your Lordship's Approbation.

Returns and
reports
transmitted.

45. Exclusive of the Several Papers and Documents, already referred to, as Accompanying this Dispatch, I have the Honor of transmitting also for Your Lordship's further Information the following Returns and Reports of the Colony, Namely:—

1st. A General Statement of the Colony, Stock and Land in Cultivation at the time of the last General Muster in September, 1813.

* Note 7.

2d. General Statements of the Settlements in Van Diemen's Land, Stock and Land in Cultivation at the time of the last General Muster in October and November 1813.

1814.
28 April.

Returns
and reports
transmitted.

3d. A List of Persons holding Civil and Military Employments in the Territory of New South Wales on the first of January, 1814.

4th. A Statement and Return of Provisions remaining in His Majesty's Stores in New South Wales, on the 24th of January, 1814.

5th. Reports of the Naval Officer, Containing the Arrivals and Departures of Ships and Vessels, from the 1st of July, 1813, to 31st March, 1814, Inclusive, and Accounts of the several Duties Collected by him at Port Jackson within that Period.

6th. The Account of the Colonial Police Fund from the 1st of July, 1813, to the 31st of March, 1814, both days Inclusive.

7th. The Account Current of the Expences of the Colony from the 25th June, 1813, to the 24th of February, both Days inclusive.

8. Demand for the Annual Supplies of Stores, Slop Clothing, Ordnance and Naval Stores for the use of the Colony.

9. Return of Absolute and Conditional Pardons, granted to Convicts (since last Return) from the 1st of June, 1813, to the 25th of April, 1814, both Days Inclusive.

10th. Return of Marriages, Births, and Deaths from the 1st of April to the 31st of December, 1813, both Days Inclusive.

11th. Report of Prisoners tried by the Criminal Court at Sydney from the 1st of June 1813 to the 25th of April 1814 both Days Inclusive.

12th. Return of Male and Female Convicts arrived in the Colony from England and Elsewhere, from the 30th June to the 31st of December, 1813, both Days Inclusive.

46. In addition to the foregoing Returns and Requisitions, I beg Leave to transmit to Your Lordship a Demand made by Mr. Oxley the Surveyor General of Lands for Surveying Instruments &c., for the Use of the Deputy Surveyor in Van Diemen's Land, together with a Copy of the Letter addressed to me on that Subject by the Surveyor General. These Articles being much Wanted I hope Your Lordship will be pleased to order the Demand to be complied with.

Requisition
for surveyor's
instruments
for use in
Tasmania.

47. Mr. Oxley, the Surveyor General, having also represented to me the Inadequacy of his Salary and Established Fees to

1814.
28 April.

Application of
Oxley for
increase of fees.

Increased survey
fees authorized.

Recommend-
ation of forage
allowances to
surveyors.

Lieutenant
Maclaine
to carry
despatches.

Requisition for
drugs and
medical stores.

support and defray the Expences unavoidably attending on the Discharge of his Duty, and, having addressed a Letter to me officially on that Subject, I do myself the Honor to transmit Your Lordship a Copy of it, hoping it will meet Your favorable Consideration. I must admit, as Mr. Oxley States, that the present Fees (which were established by His Majesty's Instructions early after the Formation of this Settlement) are totally inadequate to support the Establishment, which the Surveyor and his Deputies must necessarily keep up for the performance of their respective Duties in a prompt and efficient Manner. Understanding that Similar Fees, to those proposed by Mr. Oxley, are received by His Majesty's Surveyor General of Lands in North America, and Seeing the Reasonableness of them in so forcible a Light, I mean to take upon myself the Responsibility of authorizing the Surveyor General to demand and receive in future the several Fees specified in the Schedule Comprehended in the Letter of Mr. Oxley, already alluded to, and I trust Your Lordship will approve the Measure. I beg further to State that as it is indispensably Necessary that the Surveyor General and each of His Deputies should keep a Horse, so as to be enabled at all times to perform such Duties as may be required of them with promptitude, and as the expence of doing so is much more than they Can in their Circumscribed Salaries afford, I respectfully and Strongly recommend that the Surveyor General and his two Deputies shall be authorized to draw the Usual Allowance for the keeping of One Horse each, in the same Manner as the Officers of the Commissariat Department, who Certainly do not require that Accommodation in the same Degree as the others.

48. This Dispatch will be delivered to Your Lordship by Lieutenant John Maclaine of the 73rd Regiment, who has been my Aide de Camp for nearly the last three Years; and I take the liberty of referring Your Lordship to him for any particular Information respecting this Country that may have escaped my Recollection, when writing my Dispatches. I beg further to recommend Lieutenant Maclaine to Your Lordship's Favor and Protection.

I have, &c.,

L. MACQUARIE.

P.S.

17th May, 1814.

I do myself the honor to enclose Your Lordship, along with the other accompaniments of this Dispatch, a Requisition for Medicines and Medical Stores, omitted to be sent in at the proper time, but which I request may be Complied with.

L.M.

GENERAL EMBARKATION RETURN of the First Battalion, Seventy Third Regiment of Foot, Commanded by
Lieutenant Colonel O'Connell, Sydney Cove, New South Wales, 1814.

Destination.	Commanded by —	Date of Embarkation.	On board what Ship.	Lieut.-Colonel.	Majors.	Captains.	Lieutenants.	Ensigns.	Paymaster.	Adjutant.	Surgeon.	Assist. Surgeons.	Servants.	Drummers.	Corporals.	Privates.	Officers' servants.	Women.	Children.	Total.
Island of Ceylon	Major George A. Gordon.	14th January, 1814	Earl Spencer.	1	2	5	1	1	1	1	1	1	15	5	15	311	3	49	77	482
Do	Lieut. Colonel O'Connell.	2nd March, "	General Hewitt	1	1	4	1	1	1	1	1	1	23	10	20	309	3	96	163	634
Do	Lieut. Colonel A. Gells	4th April, "	Windham	1	1	1	1	1	1	1	1	1	4	1	6	94	..	28	61	197
				2	2	4	9	1	1	1	1	2	42	16	41	714	3	173	301	1313

LIST OF OFFICERS EMBARKED.

Rank and Names.	On board what Ship.	Rank and Names.	On board what Ship.
Major George Alexr. Gordon	Earl Spencer.	Captain A. Coane	General Hewitt.
Captain Haddon Smith	Do	Lieutenant Willm. Raymond	Do
" John Pike	Do	" A. Greenshields	Do
Lieutenant Archibald McNaughton	Do	" H. Holmes	Do
" Martin Murphy	Do	" G. Dawson	Do
" Thomas Atkins	Do	Paymaster I. Birch	Do
" Philip Connor	Do	Adjutant F. Edgar	Do
" D'Arcy Wentworth	Do	Surgeon J. Carter	Do
Ensign George Anthony Pook	Do	Lieutenant Col. A. Gells	Do
Ass't Surgeon George Martin	Do	Captain Willm. Kenny	Windham.
Lieutenant Colonel M. C. O'Connell	General Hewitt.	Asst. Surgeon J. M. Dermott	Do
Major H. J. Cameron	Do		Do

L. MACQUARIE, Major Genl. and Comr. of the Forces.

1814.
28 April.
Embarkation
return of first
battalion,
73rd regiment.

1814.
28 April.

[Enclosure No. 2.]

MR. WILLIAM HUTCHINSON TO GOVERNOR MACQUARIE.

Sir, Kangaroo, Sydney Cove, 10th March, 1814.

Arrival of the
brig Kangaroo
from Norfolk
island.

I have the honor of acquainting Your Excellency of my Arrival, in His Majesty's Brig Kangaroo, from Norfolk Island, with the Whole of the People left under my Charge and the Provisions of every kind which we were Enabled to Salt down, as also a quantity of Flour and Biscuit, the produce of the Wheat transferred to Government by Settlers and Others who left the Island.

Evacuation of
Norfolk island.

The Kangaroo arrived at Norfolk Island on the 15th February last, where she Remained twelve days, the four first we had no Communication with her owing to bad Weather and Violent Surfs. The other Eight days being favorable for getting Provisions on board, every possible Exertion was made to dispatch the Vessel; to effect which the people wrought hard day and Night. I feel it a duty to Point out to Your Excellency that I received every Support and Assistance from Corporal McGillicuddy and the Three privates of the 73d Regt. under his Orders, who Cheerfully wrought at all times when the Service required it.

Commendations
of services of
military and
others.

I beg leave also to recommend the following Free People to Your Excellency's favorable Consideration for such remuneration and other Assistance as from their long Services and peculiar Circumstances Your Excellency may deem proper, Vizt. John Brown, a Shepherd and Overseer of Government Stock, who had been in that Situation for more than Twenty Years, and always Conducted himself faithfully, for such pecuniary and other Assistance for himself and Wife, as they may appear deserving; these poor people having nothing to depend upon, and are now past labour from their great Age. I also beg leave to recommend John Hatcher a very old man, the Master Miller in the Employ of Government, and George Kempney, and Joseph Dunstan, the former a Coxswain, without whose Assistance I could not have Carried the Service into Effect; the latter a Shepherd whose Care and attention to his Flocks entitles him to every praise I can bestow, for such remuneration as Your Excellency may judge they are deserving.

I should be Wanting in Justice were I to pass by Mr. Thos. Ransom, the Master Carpenter, whose diligence and attention in Keeping the Boats in repair, enabled me to expedite the Service. And as Mr. Ransom is desirous of Settling at the Derwent I beg leave to recommend him for such an extension of Land as Your Excellency may Judge he is deserving of.

The Prisoners in general behaved themselves extremely well throughout the Whole of the Service, and if any distinction

in rewarding their good Conduct Could be made, I beg leave to recommend the Old Inhabitants of Norfolk Island, who from their long Servitude have Stronger Claims to Your Excellency's favor.

1814.
28 April.

I have now the honor of acquainting Your Excellency that Your Instructions have been Carried into the fullest Effect; the Whole of the Stock that could not be taken for Slaughter have been Shot and Otherways destroyed, except a few Wild Hogs and Goats, and from the Circumstance of my having left about a Dozen of Dogs, Male and Female, there Can be no doubt when the latter Animals become pressed with Hunger the Whole of the former will be extirpated.

Slaughtering
of the stock.

The Buildings of every description were Set fire to, and so Completely destroyed, that I have much pleasure in assuring Your Excellency that there remains no inducement for human beings of any kind to visit that place.

Destruction
of buildings
on the island.

I have the honor of enclosing Invoices of Provisions, Shipped on board the Kangaroo, with a List of the People brought from the Island, and hope my Conduct has been such as to Merit Your Excellency's Approbation.

Passengers and
provisions
removed from
the island.

I have, &c.,

WILLM. HUTCHINSON, Superintendent.

[Enclosure No. 3.]

[A copy of the commissary's accounts will be found in a volume in series II.]

[Enclosure No. 4.]

ASSISTANT-SURVEYOR EVANS' JOURNAL,* 1813-1814.

To His Excellency Governor Macquarie.

Friday, November 19th, 1813.

The journal of
assistant-
surveyor Evans.

I DIRECTED the Provisions and other necessarys to be conveyed across the Nepean to the N.E. Point of Forest Land, commonly called Emu Island, which was done, and by the time every thing was arranged Evening approached.

Saturday, 20th.

The Night was most uncomfortable, and the Morning being wet prevented our departing so early as I meant; feeling anxious to proceed, I made up my mind to make the best of our way to the end of the Mountains, and on my return to measure the distance of Messrs. Blaxlands, Wentworths and Lawsons recent excursion; it appeared to me that while the Horses were fresh it was a plan likely to meet with your approbation, as I could then refresh them on good grass, and take my time in exploring to the Westward, which I conceived the object of the greatest importance; on returning should I not have sufficient provisions to subsist on to complete measuring the track of the above named Gentlemen, I

* Note 38.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

could send in a Man and Horse to meet me with a small supply. On halting this day I was happy I arranged it so, as my labour would have been lost, in consequence of James Burns having several times mistaken his former track; I cannot make any estimate of the distance, therefore shall defer entering into particulars with respect to the nature of the Country, except that the two last Miles, as near as I can form an Idea, was through a ridge of Forest land, good grass, and found some Water where I mean to remain the Night, all much fatigued.

Sunday, 21st.

The Morning very much overcast, with a thick fog, however I had the Horses loaded, and travelled on mostly on Ridges overrun with Brush; at about 11 o'Clock I passed the Pile of Stones alluded to by the former party; soon after we were on a very high hill, which was clear of Mist, but to my great disappointment the Country to the Eastward being covered with Vapour I could not be satisfied with the Prospect, which must have presented itself had the weather been clear; we made the best of our way on and halted at 2 o'Clock.

Monday, 22nd.

The Weather bad; determined to proceed we loaded the Horses, when one of them turned stubborn having laid down and rolled several times over his load; he at length became steady; our track was through a thick brush; at 9 o'Clock we were on a very high Mountain but could not see any of the low Country; it is now disagreeable travelling; the Brush is so very thick, and the surface of the ridges are covered with pieces of sharp Granite intermixed with Quartz; the Horses seemed to step with caution; we stopped at 1 o'Clock, where there was a spacious Valley covered with grass and Rushes, a stream of water running through it. On opening our luggage I found the Bottles of Medicines broke.

Tuesday, 23rd.

The Night was excessive wet and continues so; I was necessitated to move as we could not keep in a fire or get Bark to make a hutt; it rained hard most of the day; am much afraid some of our Bread will be spoiled; the track is still through a brush much the same as yesterday; the Valleys on my right, which are numerous, lead to ravines; they are clear of Trees and covered with Rushes; the holes or drains in the centre are full of good Water; at 3 o'clock we halted, the weather rather clear; no sooner were we comfortable and dry, than one of the most severest Storms came on I ever witnessed; it put out our fire in an Instant, and beat in over our Hutt upon us; at 5 o'Clock the Wind became strong and cleared the Elements.

Wednesday, 24th.

We all rested well, which was a preservation to us, not having done so since our departure, and which we felt the effects of, as nothing could be procured for shelter but green Boughs, that was not sufficient to screen us from rain; we start quite refreshed; at 9 o'Clock came to the end of the Range from which the Prospect is extensive and gives me sanguine hopes, the descent is rugged and steep; I stowed away here a week's provisions in some hollow

Cliffs in hopes of it being sufficient for our use back from this place; it was 12 o'clock when we got into a Valley of good feed and appears a fine part of the Country; I have no doubt but the points of Ridges or Bluffs to the N.W. and S. (the Country seems to open in the form of this Angle) are the termination of what is called the *Blue Mountains* and that we are now over them; at 1 o'clock I stopped on the bank of a Riverlett, which is a rapid stream from the N.E., its source springing from very high Mountains; the two dogs went off after game without success and came to us severely cut.

1814.
28 April.
The journal of
assistant-
surveyor Evans.

Thursday, 25th.

The Horses appeared fatigued; therefore determined on remaining this day where we are, being abundance of Grass for them; I went with a party to shoot and look at the Country; there are small Meadows clear of Trees and good Soil, with chains of holes of water; in wet weather they are connected with each other by small Streams, which lead to the riverlett; the Forest land is much overrun with a scrub of young Trees; between it is good Grass in some places; at others are thick iron Bark Brushes, the Soil is of a Sandy Nature; On our return found the Kangaroo the dogs must have killed yesterday, on which we enjoyed ourselves; We have not seen any Natives but hear them shouting around us; Dried our Bread and find a great deal is spoiled.

Friday, 26th.

My Course is along the Stream; the banks are sandy and appear to be overflowed at times by heaps of Timber being lodged at the foot of some of the Trees; when I had proceeded about 2 Miles the Forest ground rises and forms a steeper Bank; in places the Water has a great fall over Rocks; the numerous Valleys carry off the Water in rainy seasons into the riverlett; on one of the small ridges is a Rock resembling *White Marble* with Yellow Veins; we could not break it but from small Crivices I scraped out small pieces much like Crystal (Paper No. 1); at 4 Miles the stream alters its direction to the South, at which place the main Run joins from the West forming a considerable rapid Riverlett; the land here gets better and the Country has a fine appearance; it resembles the hills to the Eastward of the *Cori Linn* at Port Dalrymple, and put me in mind particularly of that part; the Trees being thin and light, the flats clear of Timber, a few Honeysuckles on the Banks of the ridges, the Lockett Bird singing, and the seed of the wild Burnett sticking to our legs, neither of the two last are to be seen on the East side of the Mountains; the soil still continues sandy but the feed is good, and better than any I have seen in New South Wales; I stopped this evening near the foot of a very handsome Mount, which I take the liberty to call *Mount Blaxland*, also two Peaks rather North of it, and which the Riverlett separates *Wentworths* and *Lawsons Sugar Loaves*. I am at a loss to describe the pleasant appearance of this place, the Grass being quite green and good makes it look a pleasing scene, this is the termination of the excursion of the above named Gentlemen; be assured it was not without much labour, perseverance and fatigue that enabled them to reach thus far; I am certain that it is at least 50 Miles, and as the present track is, no person in the Colony on the Choicest Horse could reach this and

1814.
28 April.

The journal of
assistant-
surveyor Evans.

return to the Nepean in four days; you may rely on what I say in this respect; the Mountains, being covered with sharp Granite, would be dangerous to put any Horse out of a walk, and impossible so to do through the Brushes; Kangaroos are numerous, we caught one this day altho' the dogs are so much hurt.

distance measured $7\frac{1}{4}$ miles.

Saturday, 27th.

Altho' I have travelled but a short distance we were very tired, the Horses were troublesome; we ascended a very high hill which appeared to lead us on the main Range, but was disappointed, and shall find it an arduous task to reach it, the hills being so very steep that the Cattle are unable to proceed; I therefore halted in a Valley of fine Grass, which the high lands also produce, the Country continues to have a good appearance; I have not seen a *Memosa* this side of the Mountains or on them.

distance 3 Miles.

Sunday, 28th.

Left the Horses in the Valley, and three persons went to find a good track for them in the Morning; I crossed to the North side of the Riverlett; the banks are steep but covered with grass; the Country has the same aspect as far as I went, which was about 3 Miles; I returned at one o'Clock; the party arrived soon after, having found a passage that the Horses could ascend.

Monday, 29th.

I stopped in very bad Spirits, not being able to get on, being completely entangled among the hills, and our Course being so little Westing; were it not for the Horses the difficulty to ourselves would be nothing; they are sometimes bad to manage, and soon tire among the high Lands; when so they will not move; after travelling $2\frac{1}{2}$ Miles we were on a lofty hill, from whence the Country N.W. is all Forest hills as far as I could see, which I suppose about 15 Miles, every other direction was obscured by high Ranges; impossible there can be a better grazing Track of land, and has the same good appearance as far as I have been able to get a sight of it to the Westward; I hope I will be able to do better tomorrow, and that in a few days my account will be more interesting. Paper No. 2 is a specimen found near where we stopped.

distance, $3\frac{1}{2}$ Miles.

Tuesday, 30th.

I have at length reached the Ridge I so much wished to do after walking about 2 Miles, where I had a prospect to the North for a great distance; A Mist arises from a part I suppose to be a River or a large Lagoon about 20 Miles off; the Country in this direction has a fine appearance, the Trees being thin and the hills covered with Grass; A $\frac{1}{4}$ of Mile farther along the Range, I came to a very high Mount, when I was much pleased with the sight Westward; I think I can see 40 Miles which had the look of an open Country. To the South of me there are large hills much higher than the one I am on, with pasture to their tops; This Range is rather overrun with underwood and larger Timber growing thereon, but the sides are as green as possible; in descending for 2 Miles the verdure is good; the descent then becomes steep for a $\frac{1}{4}$ of a Mile, leading into

a fine valley at the end I met a large Riverlett arising from the Southern Hills. We shot Ducks and caught several trout weighing at least 5 or 6 Pounds each.

distance, $5\frac{1}{2}$ Miles.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Wednesday, Decr. 1st, 1813.

My Course is down the Riverlett; it appears to lead me North of West; on the North side of it at this place is a remarkable Sugar Loaf Hill having a Stone on the *Peak* of it, which I have named after myself; I am more pleased with the Country every day; it is a great extent of Grazing land without being divided by barren spaces as on the East side of the Mountains, and well watered by running streams in almost every Valley; I took a walk to the top of a very high Mount where I can see at least 50 Miles West, which gives me great Spirits.

distance, $5\frac{1}{4}$ Miles.

Thursday, 2nd.

Being a wet Morning it was late before I could go forward; one of the Horses having a sore Back we were necessitated to put more weight on the others, in consequence thereof our progress is trifling; on considering the fine Country we have passed over this day, I think it equal to Van Dieman's Land, the River winding through fine flats, and round the points of small Ridges that gradually descend to it, covered with the finest grass and intermixed with the *White Daisy* as in England. I shall not name the River until I am certain of its real course.

distance, $4\frac{1}{4}$ Miles.

Friday, 3rd.

I now find the *Memosa* in clusters on the Banks of the River; am happy to think it favors me so much as to run the course I wish it; the Country continues good, particularly for grazing, yet it has not been altogether so pleasing to the Eye as before, being in some places rather overrun with a shrub among the Grass, somewhat the same as on the Cow Pastures near the Stone Quarry Creek; The land is still of a light sandy nature, thinly wooded with small Gums. We have not yet seen any Natives but can see their late Tracks.

distance, $5\frac{3}{4}$ Miles.

Saturday, 4th.

My Progress is through an exceeding good Track of Country; it is the handsomest I have yet seen with gentle rising hills and dales well watered; the distant hills, which are about 5 Miles South, appear as Grounds laid out divided into fields by edges, there are few Trees on them and the Grass quite green; I still keep the river, and at times I walk a few Miles South or North as seems to me most requisite. The Dogs killed a Kangaroo and the river supplies us *with abundance of Fish*.

Sunday, 5th.

The Night was very wet; we were uncomfortable having no means to shelter ourselves from it, as the trees will not bark; it has rained most of the day; about 4 o'Clock a violent Thunder Storm came on; since, the Clouds seem to disperse, wind blowing fresh from the West;

We remained near the River as it is Sunday. The Horses are getting fat but am Sorry to observe their backs are sore; the Saddles should have been lined; straw stuffing is too hard to render

1814.
28 April.
The journal of
assistant-
surveyor Evans.

it easy we put our Blankets under them; I walked out this Evening some Miles; I cannot speak too highly of the Country, indeed I am now at a loss what to say as it exceeds my expectations and daily gets better. We are on an Allowance of Bread having lost so much by the bad Weather on the Mountains, we require little pork in this part, a Kangaroo can be procured at any time, there are also Emu's, we killed some Ducks this day.

Monday, 6th.

The Night was very Bad; I was greatly afraid the weather would continue so; this Morning had a better appearance; the river now forms large ponds; at the Space of about a Mile I came on a fine Plain of rich Land, the handsomest Country I ever saw; it surpasseth Port Dalrymple; this place is worth speaking of as good and beautiful; the Track of clear land occupies about a Mile on each side of the River; I have named it after the Lieut. Governor, "O'Connell Plains," on which we saw a number of wild Geese but too shy to let us near them; the Timber around is thinly scattered, I do not suppose there are more than ten Gum Trees on an Acre, their Bark is amazing thick at least 2 Inches; At 3 o'Clock I stopped at the commencement of a Plain still more pleasing and very Extensive; I cannot see the termination of it North of me; the soil is exceeding rich and produces the finest grass intermixed with variety of herbs; the hills have the look of a park and Grounds laid out; I am at a loss for Language to describe the Country; I named this part "*Macquarie Plains*." I have walked till I am quite fatigued being so anxious to look about me; there is Game in abundance; if we want a Fish it is caught immediately; they seem to bite at any time; had I brought a quantity of salt we could cure some 100 lbs. of them, I am quite astonished at the number the Men catch every Evening, the Dogs thrive on them; I shall bring one home with me to shew you.

distance, 6 miles.

Tuesday, 7th.

I proceeded over the Plains following the Water, which I now name the "*Fish River*"; at about 4 Miles I was brought up by a stream nearly as large from the Southward, and terminates the Plains; I imagine I shall be necessitated to travel up it some distance to find a Ford, I determined upon doing so, and traced it about 2 Miles when we stopped to secure ourselves from an approaching Thunder Storm that came on most severe and threatens a wet Night.

distance Over Plains 4 } 5½ Miles.
 up river 1½ }

Wednesday, 8th.

We are in Spirits from the good appearance of the Morning, we hope it will be fine, as neither of us have been thoroughly dry these last 3 days and Nights; I see no signs of a Ford at present, therefore am obliged to continue tracing up the Stream; at 2 Miles begins a Plain of rich Land which I call "*Mitchell Plains*." Observing from a hill the course of the water springs from the S.E., I made up my mind to contrive a Bridge to convey our Luggage over, it was done in the following manner; by driving two forked logs into the Mud as far in the water as we dare venture.

1814.
28 April.The journal of
assistant-
surveyor Evans.

and by laying a piece of wood in the Forks, form a Gallows, a party swam across and did the same on the other side; we then fell Trees as large as all six of us could carry, and rolled them down the bank; as soon as one end was carried into the water the stream sent it round, and the ropes secured round the end prevented it being carried too far; we lifted two of these up, which reached from one Gallows to the other, and two from each bank to a Gallows, over which we passed our necessities; and swam the Horses, first conveying to the other side a Rope that held them, otherwise the force of the water would have carried them a great distance as it did the Men who swam across; I was much pleased at our exertions which took some hours and enabled us to reach the junction of the rivers by sun sett; The Country is beautiful no Mountains to be seen, there are high hills at great distances, but can observe them green to their tops.

I named the last run of Water "Campbell River." Paper No. 3 is a sample broke from a Rock near the West end of "*Macquarie Plains*." distance up river, $4\frac{1}{4}$ Miles.

Thursday, 9th.

I have called the Main Stream "*Macquarie River*." At $2\frac{1}{2}$ Miles commences a most extensive Plain, the hills around are fine indeed; it requires a clever person to describe this Country properly, I never saw any thing equal to it; the soil is good; I think the lower parts of the Plains are overflowed at times, but do not see marks to any height; the small Trees on the lower banks of the River stand straight, not laying down as you see them on the banks of the river and Creeks at Hawkesbury. The Grass here might be mowed it is so thick and long, particularly on the flat lands. distance, $8\frac{1}{4}$ Miles.

Friday, 10th.

Yesterdays trace led me much North of West; today it is South of it. The extent of the Plain following the River is 11 Miles and about 2 wide on each side, the whole excellent good land, and the best Grass I have seen in any part of New South Wales; the hills are also covered with fine pasture, the Trees being so far apart must be an acquisition to its Growth; it is in general the sweetest in an open Country.

At the termination of the Plain is a very handsome Mount; I named it "*Mount Pleasant*" from the Prospect it commands to the N.E. The River now winds itself round the Points of Forest hills nearly the same as described some days since.

Emues are numerous; the Dogs will not give chase; I imagine they are bad ones; we have not been able to get a shot at any of the Geese, altho' plentiful, they are so shy; but frequently shoot Ducks. Nothing astonishes me more than the amazing large Fish that are caught; one is now brought me that weighs at least 15 lb., they are all the same species. I call the Plains last passed over "*Bathurst Plains*"; at the West end of them I obtained the samples No. 4 and 5. distance, $7\frac{1}{4}$ Miles.

Saturday, 11th.

The fine pasture continues but there is a great alteration in the look of the Country; finding the River leads me among hills; the points of them end with rocky Bluffs near the water; at about 4

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Miles I was brought too by one of them, which appears to be the termination of a Range of high hills from the South, and is the only Mass of Rocks I have met with since leaving the Blue Mountains, but bears a different aspect being covered with Pines; I determined upon halting a few hours that I may be enabled to look about me; I ascended a Peak and find the River turns about N.W. around the points of stupenduous green hills, to the South, and S.W., I cannot discern their end, the tops of the distant ones shew themselves for a great extent; on the North side of the River is also a Ridge of Pasture hills that range Westward, to the East appears the fine Country I came over. I am pleased to find the large hills are covered with Grass nor can I discern any rocky ranges with Pines except the one I am on; they have a very romantic appearance so very different from any other part; the largest of them is about 4 feet in circumference. I am fearful of bad Travelling for a few Miles; it is not so inconvenient to ourselves as the Horses that have such sore backs. The North side looks well, but cannot cross the Water; I found a pass for the Horses and went forward, it is not quite so bad Travelling as I expected; there are many Rocks but the pasture is good. distance, $6\frac{1}{4}$ Miles.

Sunday, 12th.

We stop this day, I took a walk for a few Miles to the S.W. and find it a fine country for Pasture, being steep healthy hills thickly covered with grass; Water in almost every Valley.

Monday, 13th.

The Hills are still steep and not quite so fine as those we have passed, they are rather rough with Rocks, yet the pasture is good; the Gums are much larger and intermixed with the Box Tree; the soil is of a stiffer nature, having pieces of Alabaster rock among it; the higher Lands in general throughout have a great deal about them, that on the surface is quite white in some places, and of a Yellow cast in others; I do not know what to make of the River, its course seems so irregular, the direction to day has been from S.W. to N.E.; the hills are so very high and close, that from any one of them its run cannot be distinguished; I have hopes of coming to their end, and be able to judge what part the river leads to. No. 6 is a piece of Rock found here.

distance, $6\frac{3}{4}$ Miles.

Tuesday, 14th.

The Country is much the same for about 2 Miles; the hills then get steeper and not so good, indeed it is the worst part I have been over since leaving the Blue Mountains; this place resembles the hill about Mount Hunter at the Cow Pastures. I hope we shall soon be through these high lands being bad travelling, and am afraid we shall soon feel the want of Shoes; the River still winds much and forms some very curious bends. No. 7 is found here. Killed a Kangaroo and two Ducks. distance, 7 Miles.

Wednesday, 15th.

Our Road is very rugged and the hills increase in size, but covered with fine Grass; I was upon a very high one but cannot determine their end; from the S. to W. they are stupenduous, the

only open Country to be observed is from N.W. to E. these hills surpass any grazing track on the East side of the Mountains; in the Valleys the Grass is long and thick, which makes it fatiguing to pass over them; I begin to think of returning; the Dogs not being good there is no certainty of obtaining Skins for our feet, the grass has cut our shoes to pieces. *Pamposers* were out in a few hours, particularly when wet with the Morning Dew. No. 8 sample found where we Halt. distance, 7 Miles.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Thursday, 16th.

I made up my mind to return in the Morning, seeing no hopes of approaching the end of the high Range of Hills; I would most willingly proceed farther, but the Horses backs being so bad; nor can you have an Idea of the situation we are in with respect to our feet; with patching and mending we may manage to reach home. I am now $98\frac{1}{2}$ *measured Miles* from the limitation of Mr. Blaxland's excursion; most part of the distance is through a finer Country than I can describe, not being able for want of Language to dwell on the subject, or explain its real and good appearance with Pen and Ink, but assure you there is no deception in it. I feel satisfied within myself and am happy I can meet your Excellency to say I have done my utmost in endeavouring to accomplish your wish, and that I have succeeded in passing over a Beautiful Country, and make no doubt but that to the Westward of these hills there may be a part equal to it; also beg leave to say I shall be happy and ready to go on at any future time to attempt a Journey to the Western coast, which I think this river leads to; it is a rapid Stream in the Winter Seasons, is of great width there being two Banks. The Hollow, which I imagine from the hills to be its course, bears North of West. I conceive it strange we have not fell in with the Natives; they are near about us as we find late traces of them; I think they are watching us, but are afraid and keep at some distance. Papers No. 9 & 10. distance, 6 miles.

Friday, 17th.

One of the Men being sick prevented our returning; therefore went with a party a few Miles farther, and returned in the Evening; the high lands are as before described, the corners are particularly good; what I name corners are spaces of Ground of 3 or 400 Acres with grass growing within them that you can scarce walk through; the ground is strong and good with ponds of water which lead to the River; but when within a $\frac{1}{4}$ of a Mile or so of it the course becomes a Rocky gully, and so steep between the hills, that no person would suspect such places were up them:—it is one Month this day since we crossed the Nepean; (I found more samples which are dated).

Saturday, 18th.

We departed for our Journey homewards, keeping as far from the River as we conveniently could, and find the feed for Stock exceeding good; the farther back among these hills the better it is; the Valleys are beautiful, as also the intervening ridges that divide them, being thickly covered with herbage; Grazers may keep stock here to great advantage, particularly sheep, as they like dry healthy parts.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Sunday, 19th.

I intended to have gone on today but the Morning turned out wet; indeed it was so most of the Night; we could keep ourselves dry here is the reason for not removing, and which I was glad of as it turned out a shocking stormy afternoon.

Monday, 20th.

I did not depart very early, the weather was much against us but managed to reach the Pine hill by Evening where we halted.

Tuesday, 21st.

Fine weather very warm; halted at the commencement of *Bathurst Plains* early, as I was desirous to examine this part; I ascended *Mount Pleasant*, the West end led me on a Ridge of Beautiful hills, along which I travelled about 3 Miles, a small stream of Water forming ponds run at their foot; I was gratified with a pleasing sight of an open Country to the S.W. of them; at the space of 7 or 8 Miles I could discern *the Course of a River winding to the West*; I saw three or four large Plains; the first of them I was on, the Chain of Ponds before mentioned running through it; I feel much regret I am not able to Travel a week or more in that direction; I imagine the flat open Country extends 30 or 40 Miles; at the termination I can only discern one Mountain quite Pale with three Peaks; I suspected an open Country lay about the S.W. point, as I passed, the Range of hills then obscured it from me, nor had I time to examine it; I cannot speak too much of the Country, the increase of Stock for some 100 Years cannot overrun it; the Grass is so good and intermixed with variety of herbs. Emu's and Geese are numerous, but cannot get any; we counted 41 Emu's this day; our dogs will not follow them. Returning we saw smoke on the North side of the River, at Sun sett as we were fishing I saw some Natives coming down the Plain; they did not see us untill we surprized them; there was only two Women and four Children, the poor Creatures trembled and fell down with fright; I think they were coming for Water; I gave them what Fish we had, some fish Hooks, Twine and a Tomahawk, they appeared glad to get from us; two Boys ran away; the other small Children cried much at first; a little while after I played with them, they began to be good humoured and laugh, both of the Women were *blind of their Right Eye*.

Wednesday, 22nd.

Travelled over the hills on the South side of the Plains; from them I had a grand prospect North and South; nothing can exceed the fine appearance of this Country; the hill quite Green with grass, and the Plains also, intermixed with variety of Flowers and herbs, with flocks of Emu's feeding on them; I stopped at the East end for the Night.

Thursday, 23rd.

About 9 o'clock crossed *Campbell's River*; the Water has fallen so much that it was fordable in many places, which saved us a Journey of 6 Miles round to our Bridge; *Macquaries River* is likewise fordable between the large sheets of Water; these rivers resemble the *Esk*s in Van Diemens Land, being fine streams

running over hard gravel Bottoms. I kept some distance back from the River and find the Country as usual, fine pasture and distant hill North and South are Forest lands thinly wooded; we stopped at the West end of O'Connell Plains.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Friday, 24th.

Nothing particular has attracted my attention, the Country is as before stated; halted where we stopped the Evening of the 2nd Inst.

Saturday, 25th.

Being Christmas day we remained for a day's rest; yet we walked about as much as a day's journey looking around us, and ascending Hills to see the Country, which is excellent pasture, the soil is light, but exceeds the Forest Lands in general on the East side of the Mountains. The day is so hott the Fish will not bite; it is the only time they have missed; therefore I opened my tin case of Roasted Beef.

Sunday, 26th.

Proceeded on; the hills are rather steeper, crossed the River ready to leave it in the Morning, and ascend the range by an easy ascent that I took notice of coming along; the Country as usual very good. Shot a large Kangaroo.

Monday, 27th.

We got upon the range by an easy track, as it was exceeding warm I halted in a fine Valley.

Tuesday, 28th.

I stopped near the riverlett about a Mile East of *Mount Blaxland*, and find the stream not near so rapid as when we left it; I am of opinion that it falls into the Nepean by the run North of the Western River, and that the Source of the Western River springs from the Mountains S.W. of Natai, as far as I am a judge of appearances of Country's I conceive it to be so; I observe on coming from the hills a range that will lead round to the hill where the Trees are marked down to the *Fish River*, the foot of which forms the valley nearest the Mount, I pointed it out to one of the Men named *Richard Lewis*. The Lands about here are pleasant and good sheep pasture; but it is by no means to be compared to the Country Westward.

Wednesday, 29th.

Proceeded to the foot of the Mountains, this part, altho' there is tolerable good feed and appeared fine on my first coming from them, looks miserable to me now after returning from so superior and good a Country, I went to the Cliffs where I stowed away the provisions and found all safe. The Natives seem to be numerous; there are fires in many parts not far from us.

Thursday, 30th.

We remained to prepare to ascend the Mountains early in the Morning, by hunting Kangaroo for their skins to secure our feet; Killed a very large one which will furnish us with pampoozers; hoping with what we have will enable us to reach home in safety.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

Friday, 31st.

At 2 Miles we ascended the Mountains, our track to the passage up was along a Valley of good grass from about 2 to 4 Chains wide. The Atmosphere being thick leaves it out of my power to make any observation on the prospect from them; they are covered with a *scrub*, the Timber in general is good, chiefly consists of Stringy Bark Trees; I halted at the head of a Valley where there is good water a little way down it, plenty of sweet rushes and some Grass.

Distance from the Riverlett, $7\frac{1}{2}$ Miles.

Saturday, Jany. 1st, 1814.

The Bush is exceeding thick, and bad travelling on account of the sharp Rocks; the Ravines on my Right are deep. It is hazy weather which prevents me seeing any distant objects; Halted in a Valley, found good Water by making holes among the Rushes.

distance, $5\frac{3}{4}$ Miles.

Sunday, 2nd.

At a quarter of a Mile is a Tract of Forest Land underneath this Ridge, the centre is a marsh, I judge leads to the Riverlett which apparently runs between some high Hills about a Mile West; beyond are Mountains considerably higher than what I am now on; The road is through thick brushes and over pieces of sharp Granite Rocks. Halted in a Valley of good feed and Water.

distance, 6 Miles.

Monday, 3rd.

The Mountains have been fired; had we been on them we could not have escaped; the Flames rage with violence through thick underwood, which they are covered with, Bad travelling the stick of the Bushes here are worse than if their leaves had not been consumed; they catch my Chain which makes the measuring very fatiguing; also tears our clothes to pieces, and makes us appear as Natives from black dust off them. The Marks in the Trees are burnt out; therefore am obliged to go over them again; Our Horses now want Grass; the herbage in this spacious Valley is destroyed; we cut some sweet Rushes for them that grow on the edge of a stream of Water which runs through it.

distance, $4\frac{1}{2}$ Miles.

Tuesday, 4th.

The Mountains are as yesterday; fired in all directions; at 11 o'Clock I was upon the high hill; all objects Eastward are obscured by thick smoke; We stopped where there was feed for the Horses and Water.

distance, $5\frac{1}{4}$ Miles.

Wednesday, 5th.

Still a thick Brush; the leaves of it are burnt. The weather is disagreeably warm and boisterous, which has been the case these last 3 days. I halted on the top of a Mountain, a $\frac{1}{4}$ of a Mile North of the Pile of Stones, with the hope that I shall be able to see the Hawkesbury from it, should it turn out a clear Morning. There is water and sufficient feed for our Horses.

distance, $4\frac{1}{2}$ Miles.

Thursday, 6th.

The Fires have been in my favor, otherwise it would be impossible to measure; the flames have consumed the foliage from the highest Trees.

The Ridges continue as usual until the latter part of my journey which is Forest land for $\frac{1}{2}$ a Mile; the timber on it is chiefly lofty stringy Bark and Oaks: there are small patches of Grass left that

the fire missed. I was much disappointed this Morning, the mist was so thick that I could not see any long distance from the Mountains.

distance, $5\frac{1}{4}$ Miles.

Friday, 7th.

The Forest land continues a Mile farther; afterwards the brushy Ridge commences again, the thickest of it is consumed, which I consider fortunate, had it not I should be obliged to have given off measuring; at the end of today's Journey is a Lagoon of good Water, with tolerable grass round the edge of it.

distance, $5\frac{3}{4}$ Miles.

Saturday, 8th.

$\frac{3}{4}$ of a Mile terminates the brush, the ridges then produce good sheep feed for $1\frac{1}{2}$ Mile, when there is a gully which is the south side of *Emu Island*. I marked a *Tree* on the N.E. point of the Forest land nearly opposite the House on Captn. Woodriff's Farm on the Bank of the River Nepean.

distance $4\frac{3}{4}$ Miles.

The Track out is on one continued ridge of the Mountains with ravines right and left; for the first 10 Miles they are dry and fall immediately into the Nepean, without forming any considerable stream in wet weather. At 30 Miles those on my Right lead into the Grose River, afterwards they alter their course West of North and the Water from them runs into the riverlett I came upon, on my descent from the Mountains; as also does those on my left; in some places the Ridge is Narrow; when that is the case, the Ravines are steep and appear as Bluffs of Land do at Sea, the one projecting before the other; where it is broader, there are Gully's which are bare of Trees, with herbage and good Water; the points of Ridges that they are between lead some distance before the ravines or Gullys become steep and perpendicular.

The ascent from *Emu Island* is very regular and easy; *12 Men might clear a good Road in 3 Months for a Cart to travel over the Mountains* and make the descent of them so easy that it might be drove down in safety.

There are no hills on the Ridge that their ascent or descent is any way difficult; I beg to observe that it will be impossible to drive Cattle or attempt sending a Cart until a Road is made; for reasons that the stumps of the Brush and sharp Granite Rocks will run into their feet and lame them.

I have the honor to be with every respect,

Your very obedient Servant,
G. W. EVANS.

Names of men that accompany'd me.

Richard Lewis	} Free Men
James Burns	
John Cooghan	
John Grover	} Prisoners
John Tygh	

From Emu Island to the end of the Mountains	46 $\frac{1}{2}$	Miles
From the end of the Mountains to the Riverlett	2	
" " " " " " " " Mount Blaxland..	7 $\frac{1}{4}$	55 $\frac{3}{4}$
From Mount Blaxland to the end of my Journey	92 $\frac{1}{2}$	
Up Campbell's River	6	98 $\frac{1}{2}$

Total 154

G. W. EVANS.

1814.
28 April.

The journal of
assistant-
surveyor Evans.

1814.
28 April.

[Enclosure No. 5.]

[*A copy of the chart of surveyor Evans is not available.*]

[Enclosure No. 6.]

D. D. MATHEW TO GOVERNOR MACQUARIE.

Sir,

Sydney, 14th April, 1814.

Specifications
and estimate
for proposed
new court-house.

Agreeable to Your Instructions, I herewith send you the Elevation and Ground Plan of the Proposed New Court of Justice; the whole of which building including the Wings is 140 feet in length, 44 feet in depth, and 36 feet in height to the top of the Parapet.

The Main Building contains one hall, the full height which is 74 feet long and 40 feet wide, of which there is a space of 40 feet by 47 feet for the audience.

In the Wings, each passage has a Stone Geometrical Staircase, and is 12 feet wide, there are also four rooms in each 16 feet by 19 ft. 3 in., and one 12 feet by 14 Feet.

I intend to put two Galleries, one over each Jury Box for Ladies or Gentlemen of the higher order.

There is no communication between the bar and the audience, as there are four rooms below, where the Prisoners remain for trial, and when they are called to the Bar they are brought up the small Staircase in the Center of the Hall.

The Grecian Doric Portico at the Main Entrance, I have copied from one in the Temple of Theseus at Athens, the only alteration is putting it on three steps instead of two.

The Total expence of erecting this Building according to the price of Labour and materials is, including the two Galleries, about Six Thousand Pounds Sterling by the best estimate I could make, but the price of Labour and the exchange between Currency and Sterling is so variable that it is hardly possible to make a very correct Estimate.

Hoping the designed Plans will meet Your Excellency's approbation.

I have, &c.,

DANL. DERING MATHEW.

[*Copies of the ground plan and elevation will be found in the volume of charts.*]

[Enclosure No. 7.]

CORRESPONDENCE WITH MR. JOHN HARTLEY.

[1] *Secretary Campbell to Mr. John Hartley.*

Correspondence
with John
Hartley re his
alleged claims.

Sir,

Secretary's Office, Sydney, 15 Octr., 1813.

I have it in Command to Inform You that His Excellency the Governor rec'd on the 9th inst. by the Arrival of the Ship

Earl Spencer, Transport, a Letter* from the Right Honble. Earl Bathurst, Secy. of State for the Colonies, being in Reply to a Letter addressed to His Lordship the Earl of Liverpool by the Governor, under date 31st July, 1812. His Excellency, having in that Letter Stated your Unfitness for the Situation of Naval Officer and that he had in consequence declined placing you in it, His Lordship has entirely approved of His Excellency's Motives and Conduct therein. In consequence of this Decision I have now to inform You that You cannot be admitted into the Situation of Naval Officer of this Port and that you are to Consider all claim to that Situation as fully Cancelled.

1814.
28 April.

Correspondence
with John
Hartley re his
alleged claims.

As a Compensation however for the time you have lost and the disappointments you have suffered in this Country in not being placed in the Situation of Naval Officer, The R.H. the Sec. of State approves of His Excell'y paying you from the Col. Fund at the rate of 5s. per diem, commencing from the period of Your Arrival in this Colony up to the present date Inclusive, but no longer. His Lordship further approves of His Excell'y giving you a Grant of Land with the usual Indulgences in the Event of your being desirous to become a Settler in this Colony. In the Event of Your Making this Choice, His Excell'y will make you a Grant of 500 Acres of Land and assign You 5 Cows from the Govt. Herds on a Credit of 3 Years, and You and Your family and 3 Govt. Men will be victualled for 18 Months from the King's Store. It is here necessary to be clearly understood that the Money thus agreed to be paid You, together with the Grant of Land and Indulgences before Mentioned, are to be Considered by you as a full Compensation for all the disappointment You may have sustained in Seeking after the Appointment of Naval Officer, and that no further Remuneration or Indulgence Will or Can be shewn You on the foregoing Acco't.

For Your further Satisfaction and Information, I transmit you herewith an Extract from Earl Bathurst's Letter herein alluded to, Certified by His Excell'y the Governor.

You will please to favor me with an Acknowledgement of the Receipt of this Letter, &c.

I have, &c.,

JNO. THOS. CAMPBELL, Sec.

[2] *Mr. John Hartley to Governor Macquarie.*

Sir, Sydney, N. S. Wales, Feby. 16, 1814.

I beg leave to Inform Your Excellency that 'tis expedient I should return to England by the earliest conveyance to Seek for that Bread (in my profession), which Your Excellency has been pleased to deprive me of in New South Wales.

1814.
28 April.

Correspondence
with John
Hartley re his
alleged claims.

As I came to this Colony to fill the Situation of Naval Officer by and with the appointment of Government, I presume my Right to demand Travelling Expences for self and family, and to be furnished with a passage to England, Not doubting Your Excellence's Acquiescence in the propriety of my Demand.

Your Excellency's Compliance will confer a favor on him who has the Honor to be, &c.,

JN. HARTLEY, R.N.

[3] *Secretary Campbell to Mr. John Hartley.*

Sir, Secretary's Office, Sydney, 16 Feb., 1814.

Mr. Piper having lately arrived from England and this day taken Charge of the Naval Officer's Department, by Virtue of his Appointment from H.M. Principal Secretary of State for the Colonies, I am directed to Inform you that as you have not thought proper to avail Yourself of the very liberal Compensation, some time since tendered to you, for the Disappointment you expressed yourself to have sustained from not having succeeded to that Situation, His Excellency the Governor can no longer with Justice to the Interests of the Crown Continue You or Your family on the Governm't Store, or suffer your being any further an Expence to the Crown in any other Way. You will please therefore to take notice that you and your family and servant will be struck off the Stores on Thursday, the 24th inst., after which time no further Rations will be served to you, neither will you be considered Entitled to any other Indulgence Whatever from this Government.

Previous however to the 24th Inst., if You should, upon Mature Consideration, Express Yourself disposed and willing to accept as Compensation for your disappointment the Indulgences formerly tendered to you in my Communication of the 15th of October last, and shall perfect the Instrument and Receipt then submitted to you by the Treasurer of the Police Fund, the Governor is willing yet to make them good to you, notwithstanding the Obstinacy and Insolence of Manner, which have strongly marked your Conduct thro' the Course of this Business.

I am, &c.,

JNO. THOS. CAMPBELL, Sec.

[4] *Mr. John Hartley to Secretary Campbell.*

Sir, Sydney, New South Wales, 17th Feby., 1814.

Mr. Pipers taking Charge of the Naval Officer's Department by Virtue of His appointment is to me a Mystery, as by

Virtue of my Appointment from the Right Honble. Lord Castlereagh nearly Six Years Ago, and further Confirmed by the Right Honble. The Earl of Liverpool, I must Consider my Claim to that office paramount to that Gentleman's.

1814.
28 April.
Correspondence
with John
Hartley *re* his
alleged claims.

Am Sorry His Excellency should Construe any part of my Conduct in the Course of this Business into Disrespect to the Representative of my Most gracious Sovereign, whom I have faithfully served.

His Excellency has ever, from his first Landing, treated me with the utmost Severity, held up as an Impostor, my Character traduced, my Credit Injured, and nearly three Years in the Colony without Notice and for what reason; without any Emolument, How have I existed nearly Five Years, but upon the Bounty of Individuals.

Must refer to my Letter of Yesterday to His Excellency. on the Subject of my returning to England by the earliest Conveyance.

I have, &c.,

JNO. HARTLEY, R.N.

[5] *Secretary Campbell to Mr. John Hartley.*

Sir, Secretary's Office, Sydney, 19 Feb., 1814.

I have to Acknowledge the Receipt of your Letter, dated the 17th Inst., and have it in Command in reply to Your Letter of the 16th, addressed to His Excellency the Governor, to Inform You that His Excellency can have no objection to your returning to England whenever you please. But he cannot at all admit that you have any Claim whatever on this Government for a Passage thither or other travelling Expences.

The very Liberal offer made to you in my Letter of the 15th of October last, and repeated in that of the 16th inst., being very adequate to the Expences of a passage to England and indeed much more. His Excellency will still make good those Terms to you provided you Comply with the stipulations then suggested within the prescribed Time.

I am, &c.,

JNO. THOS. CAMPBELL, Sec.

[6] *Mr. John Hartley to Secretary Campbell.*

Sir, Sydney, 21 Feby., 1814.

In answer to yours of the 19th inst., Must beg to be Informed If I have no Claim on this Government for my travelling Expences and a Passage to England, where have I a Claim?

1814.
28 April.

Correspondence
with John
Hartley *re* his
alleged claims.

I am astonished at the Repetitions of what His Excellency is pleased to term liberal Offers; they appear to me Insults.

Government sent me to this Colony to fill the Situation of Naval Officer; as such I cannot relinquish my Claims.

I am, &c.,

JNO. HARTLEY, R.N.

[7] *Secretary Campbell to Mr. John Hartley.*

Sir, Secretary's Office, Sydney, 21st Feby., 1814.

I have received your Letter of the present date, and submitted it to His Excellency the Governor.

His Excellency does not feel it at all necessary to give any Answers to Questions of the Nature of that put in Your Letter, nor further to prolong a Correspondence, which does not appear likely to be Attended with any good Consequence whatever. I am therefore desired finally to refer you to my former Communications for His Intentions towards you.

I am, &c.,

JNO. THOS. CAMPBELL, Sec.

[8] *Mr. John Hartley to Secretary Campbell.*

Sir, Sydney, 21st Feby., 1814.

In answer to Yours of this Day, in reply to mine of the same Date, have to Inform You that I have received no Instructions from H.M. Secy. of State to assign over My Appointment to the Situation of Naval Officer of Port Jackson; therefore I Cannot Comply with His Excellency's Demands on that Head.

Must again request my Expences and a Passage to England O.H.M.'s Service.

I am, &c.,

JNO. HARTLEY, R.N.

[9] *Secretary Campbell to Mr. John Hartley.*

Sir, Secretary's Office, Sydney, 23d February, 1814.

It was hoped the Communication, I made you on the 21st inst., would have terminated the Correspondence with you on the subject of the Naval Officer's Appointment, but as You have made a further Reply and dwelt on the Circumstance of *Your* not having received Instructions from H.M. Secretary of State respecting that appointment, I am now to make a final Notification that the appointment to the Situation of Naval Officer by His Majesty's Secretary of State for the Colonies, as announced in His Excellency the Governor's Government and General Orders, published in the *Sydney Gazette* of the 12th

inst., Necessarily supersedes all former Appointments; and those Government and Genl. Orders were a full Notification to All Persons Concerned. On other points I have to refer you to my former Communications, which Conveyed to You His Excellency's Sentiments and Disposition towards you, and from which, I have it in Command to add that no Deviation will take place. So many Communications having already taken place on this Subject, I have it further in Command to Inform You that the present is the last that will be made, and I am to request that You will Cease writing further on it, as I am Instructed to return any Letters unanswered that You may now Send.

I am, &c.,

JNO. THOS. CAMPBELL, Sec.

1814.
28 April.

Correspondence
with John
Hartley *re* his
alleged claims.

[10] *Secretary Campbell to Mr. John Hartley.*

Sir, Secretary's Office, Sydney, 4th March, 1814.

The Governor has Instructed Me to Inform You in reply to Your Application of the present date that, Notwithstanding Your having Suffered the time to Elapse which he had limited for your drawing the Allowance assigned to You in Compensation for your disappointments in not obtaining the Situation of Naval Officer, His Excellency will Authorize the Treasurer of the Police Fund to pay You the Sum of Three Hundred and Eighty pounds Sterling, being at the rate of 5s. per diem from the day of Your Arrival here (the 18th Augt. 1809) up to the day on which you received His Notification that you would not be placed in the Situation You had expected, which was the 15th October last; but, as has been before repeatedly Communicated to You, You will be required to give a full and complete Acquittal from all further Demands on this Government, or on that of the Mother Country, on Account of your Expectation or Disappointment on that Head. Such an Acquittal will be furnished to the Treasurer of the Police Fund for your Signature, and You will have the Course of the ensuing Week allowed you for finally embracing the offer, or totally rejecting it.

No arrears of Provisions or Spirits being due to You, the Governor will not grant You any.

I am, &c.,

JNO. THOS. CAMPBELL, Sec.

[Enclosure No. 8.]

LIEUTENANT-GOVERNOR MOLLE TO GOVERNOR MACQUARIE.

Sir, Sydney, N. S. Wales, 12th March, 1814.

I beg leave to state to Your Excellency that on my Arrival in this Colony, I was informed by Lieutenant Colonel O'Connell

1814.
28 April.

Application of
lieutenant-
governor Molle
re his salary.

(My Predecessor in Office as Lieutenant Governor) that he had applied for and been granted the *whole of his Salary* (as such) from the *Original* date of his Commission;

I am therefore respectfully to request that you would have the goodness to represent the fact herein stated, and that I humbly trust, on application being made, through the usual Channel at Home, by My Agents, that the like indulgence will be granted to Me.

I have, &c.,

G. MOLLE,

Lt. Col. 46th, & Lt. Governor of New South Wales.

[Enclosure No. 9.]

Memorial of
W. H. Mansel
soliciting
compensation
for the loss of
the schooner
Unity and
cargo.

THE HUMBLE MEMORIAL OF WILLIAM HOBART MANSEL, OF SYDNEY,
MERCHANT.

To His Excellency Governor Macquarie, &c., &c., &c.

Respectfully Sets forth,

That Memorialist left this Colony early in the Month of January last in the Colonial Schooner, *Unity*, of 35 Tons burthen (of which Memorialist was sole Owner) with a Valuable Assortment of Merchandize, the property of Memorialist bound to Port Dalrymple in Van Diemen's Land with a view to be disposed of at that Settlement, and at Hobart Town on the River Derwent.

That Memorialist arrived safe at Port Dalrymple and not finding a Market there, Answerable to his Expectations, determined to proceed forthwith to Hobart Town Aforesaid, with his Cargo on board the *Unity*, And for that purpose the Vessel left Port Dalrymple on the 3d of April last, bound for the River Derwent, having only Memorialist, with the Master, and three Seamen on board.

That soon after they left Port Dalrymple they encountered a heavy Gale, by reason whereof the Vessel was driven into Bass's Straits, And having but a very slender Allowance of Provisions on board, Memorialist with his little Crew experienced very severe Hardships and Privations.

That on the 23rd of the same month of April, the *Unity* Arrived in the River Derwent about 11 at Night, and moored off Hobart Town—and the next night, being the 24th, between the hours of 11 and 12, was boarded by seven Armed men, who presented Firelocks at Memorialist and his small defenceless Crew, and forcibly seized and took possession of the said Schooner *Unity*.

That the said Gang of Ruffians (whom Memorialist hath since discovered were all Prisoners) having cut the Vessel from her Moorings, made sail and having got as far as Cape Frederick Henry (a distance of about 30 Miles from her Moorings) they gave up to Memorialist the Boat in which they had Effectuated these daring Piratical Outrages, and in which Boat Memorialist and the Crew returned to Hobart Town.

1814.
28 April.

Memorial of
W. H. Mansel
soliciting
compensation
for the loss of
the schooner
Unity and
cargo.

That the Value of the Vessel thus seized and Carried off with the Property on board in goods, Wares, and Merchandize, Amounts to a Sum exceeding Three Thousand Pounds Sterling.

That Memorialist is a young man whose Character is irreproachable, and who by this unfortunate Event will be Necessarily involved in great distress and difficulties, and deprived not only of the little Property he had been enabled to acquire during a residence of Upwards of Ten Years in this Colony by a Series of unremitting Industry and Uniform Rectitude and Integrity, but will have to Answer Considerable Debts contracted in the Concern, far beyond his power to discharge.

Under circumstances so peculiarly distressing, Memorialist is Induced Most humbly to Submit his Case to Your Excellency's Gracious and humane Consideration, trusting that from the Singular Hardships Attending it, Your Excellency will deign to afford him some Remuneration for his heavy Losses sustained by the daring Piratical Act herein Stated, against which no human Foresight or Caution could have Guarded, and Against which, Opposition at the time would have been as fatal as ineffectual. Should Your Excellency think proper to require a Certificate of the Facts from the Lieutenant Governor Commanding at Hobart Town Memorialist has Permission to refer to that Officer for the same.

May it therefore please Your Excellency to take Memorialist's distressing Situation and Circumstances into Consideration and grant him Such Relief in the Premises as in your Wisdom, Judgment and Humanity may seem Meet.

And Your Memorialist will ever pray &c. &c. &c.

Sydney, 1st Novemr., 1813.

W. H. MANSEL.

LIST of Convicts who Piratically Seized and ran away with the Schooner Unity of Sydney from the Port of Hobart Town on the River Derwent in Van Diemen's Land on the Night of the 23rd of April, 1813.

William Britten. Thos. Bird.

Frederick Callaghan. Patk. Russell.

Thomas Curtis. George (or Richd.) Watson.

Richd. Payne.

1814.
28 April.
General return
of the colony.

[Enclosure No. 10.]

GENERAL STATEMENT of the Inhabitants in His Majesty's Territory of New South Wales, as per General Muster taken by His Honor Lieutenant Governor O'Connell and Deputy Assistant Commissary General Broughton on the 27th September 1813, with an Estimate of the remains of Provisions in the Public Stores.

	Civil Department Victualled.														Military Department Victualled.															
	Governor and Commander in Chief.	Secretary to the Governor.	Judge Advocate.	Provost Marshall.	Clergymen.	Principal Surgeon.	Assistant Surgeons.	Surveyor-General.	Deputy Surveyors of Lands.	Boat Builder.	Clerks and Superintendants.	Women.....at 2/3.	Children.....at 1/2.	Total number of Civil Department Victualled.	Lieutenant Colonel.	Major.	Captains.	Lieutenants.	Ensigns.	Paymaster.	Adjutant.	Quarter Master.	Surgeon.	Assistant Surgeon.	Serjeants and Corporals.	Drummers and Fifers.	Privates.	Women.....at 1/2.	Children.....at 1/3.	Total Number of the Military Dept. Victualled.
Sydney	1	1	1	1	2	1	1	1	2	1	15	6	14	47	1	1	7	9	2	1	1	1	1	1	60	14	710	125	280	1214
Parramatta.....	...	...	...	1	1	...	1	...	...	...	4	6	12	24	...	...	1	4	...	...	...	...	...	...	6	2	167	26	66	272
Hawkesbury .....	...	...	...	1	1	...	1	...	...	...	1	2	10	15	...	...	...	2	...	...	...	...	...	...	4	1	40	9	29	85
Liverpool .....	...	...	...	...	...	...	1	...	...	...	...	2	2	6	...	...	...	1	...	...	...	...	...	...	...	...	41	...	...	1
Newcastle .....	...	...	...	...	...	...	1	...	...	...	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Colonial Vessels.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total.....	1	1	1	1	4	1	4	1	2	1	21	16	38	92	1	1	8	16	2	1	1	1	1	1	75	18	958	160	375	1619

GENERAL STATEMENT of the Inhabitants in His Majesty's Territory of New South Wales, &c.—continued.

	Commissariat Staff Victualled.				Free Persons Victualled.				Prisoners Victualled.				Number of different Rations.					People not Victualled.				Total Number of Souls in the Settlement.					No. of Week's Rations Remaining in Stores.				
	Deputy Commissary General.	Deputy Assistant Commissary	Clerks.	Total Number of the Commissariat Staff Victualled.	Men.	Women.....at 2/3.	Children.....at 1/2.	Total Number of Free Persons Victualled.	Men.	Women.....at 2/3.	Children.....at 1/2.	Total Number of Prisoners Victualled.	At Full.	At Two thirds.	At Half.	At One third.	Total Number of Full Rations.	Men.	Women.	Children.	Total Number of Persons not Victualled.	Total Number of Souls in the Settlement.	Wheat.	Flour.	Sugar.	Rice.	Salt Beef.	Salt Pork.			
Sydney	1	2	3	6	141	97	140	378	619	50	30	699	1602	153	309	280	1952	2344	981	673	1358	3012	5306	...	...	...	...	...	...
Parramatta .....	...	...	...	...	62	50	79	191	302	67	44	413	551	123	161	66	735	900	665	394	453	1512	2412	...	...	...	...	...	...
Hawkesbury .....	...	...	...	...	46	22	50	118	79	8	...	87	175	32	69	29	240	305	1231	451	1409	3091	3397	...	...	...	...	...	...
Liverpool .....	...	...	...	...	1	5	6	12	123	31	5	159	173	38	13	...	...	1	276	177	174	627	627	...	...	...	...	...	...
Newcastle .....	...	...	...	...	26	...	...	26	6	...	...	6	32	...	...	...	205	224	...	18	18	242	...	...	...	...	...	...
Colonial Vessels .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	32	32	107	...	...	107	139	...	...	...	...	...	...
Grand Total	1	2	3	6	276	174	275	725	1129	156	79	1364	2533	346	552	375	3165	3806	3260	1713	3394	8367	12173	5	3	14	8	14	16		

Sydney, N. S. Wales, 31st Decr., 1813.

L. MACQUARIE, Govr. in Chief of N. S. Wales.

1814.
28 April.
General return
of the colony.

1814.
28 April.
Return of
inhabitants
at Hobart.

[Enclosure No. 11.]

RESULT of General Muster of the Inhabitants (Military Excepted) of His Majesty's Settlement Hobart Town,
taken by Order of His Honor Thomas Davey Esquire Lieutenant Governor of Van Diemen's Land, the
16th of November, 1813.

Civil Establishment.	Settlers and Free People.				Convicts.				Women and Children of the Military.	Total No of Persons.		No. of Persons in the Settlement exclusive of the Military.		
	Men.		Women and Children.		Male.	Female.		Women and Children.		On store.	Off store.			
	On store.	Off store.	On store.	Off store.	On store.	Off store.	On store.	Off store.						
25	122	298	168	370	294	27	7	2	12	53	17	681	714	1,395

RETURN of the Settlers' Muster with an Account of the Land held and in Cultivation, also of the Live Stock taken the 16th November 1813.

	Acres of Land in Cultivation.							Number of				
	Wheat.	Barley.	Pease.	Potatoes.	Fallow.	Pasture.	Total held.	Horses.	Horned Cattle.	Goats.	Sheep.	Pigs.
Belonging to the Crown .....	..	..	..	....	..	....	..	14	333	..	..	..
To Settlers and Individuals	1096½	161½	54½	139½	356¾	22007½	23816	31	2089	2016	19635	974
	1096½	161½	54½	139½	356¾	22007½	23816	45	3022	2016	19635	974

	Virtuallied or not Virtuallied by Government.							Men of Free Employed.	Total No. in Family.	In hand.	
	Prop'r.		Wife.		Children.					Bushels Wheat.	Bushels Barley.
	Victd.	Not.	Victd.	Not.	Victd.	Not.	Victd.					Not.
Belonging to the Crown .....	..	..	..	..	..	..	..	..	..	..	..
To Settlers and Individuals	94	181	49	107	100	207	72	19	44	453	....
	94	181	49	107	100	207	72	19	44	453	..

N. S. Wales, 31 Decr., 1813.

L. MACQUARIE, Govr. in Chief of N. S. Wales.

1814.
28 April.
Return of
settlers' muster.

[Enclosure No. 12.]

1814.
28 April.Return of
persons holding
civil and
military
appointments.A LIST of Persons holding Civil and Military Employments in
His Majesty's Colony of New South Wales and its Depen-
dencies, Sydney, 1st January, 1814.

Names.	Appointments.	By whom appointed.	Yearly Salaries.	Remarks.
Lachlan Macquarie	Governor.....	The Crown	\$2000 0 0	Commissariat
M. C. O'Connell ..	Lieut. Governor ..	do	250 0 0	
Ellis Bent	Judge Advocate ..	do	800 0 0	
J. T. Campbell ..	Secretary.....	Govr. Macquarie	282 10 0	
Wm. Gore	Provost Marshal ..	The Crown	91 5 0	
David Allan	Deputy Commisy	do .....	.....
	General			
Wm. Broughton ..	Depy. Acting Commy.	Do .....	.....
	General			
Wm. Brodie	Clerk Commist. Staff	Do .....	.....
Edwd. Hobson ..	Do Do	Do .....	.....
Ric'd. Fitzgerald ..	Do Do	Govr. Macquarie	.....
Wm. Sutton	Storekeeper	Do .....	.....
Wm. Wall	Do	Do .....	.....
Jno. Tucker	Do	Do .....	.....
Saml. Larken.....	Do	Do .....	.....
Iss'c Yates	Extra Clerk	Do .....	.....
Iss'c Flood	Do Do	Do .....	.....
T. Wm. Middleton ..	Do Do	Do .....	.....
T. Wm. Parr	Do Do	Do .....	.....
Jno. Gregory	Do Do	Do .....	.....
Geo. Smith	Do Do	Do .....	.....
Edwd. Iss'c Yates ..	Do Do	Do .....	.....
Jno. Rickards	Do Do	Do .....	.....
Jas. Hankinson ..	Do Do	Do .....	.....
Wm. Thorby	Cooper	Do .....	.....
Thos. Parsons	Messenger	Do .....	.....
Rev'd. Saml. Marsden	Principal Chaplain ..	The Crown	350 0 0	
Rev'd. Wm. Cowper	Asst. Chaplain	Do	260 0 0	
Rev'd. Robt. Cartwright	Do Do	Do	240 0 0	
Rev'd. Hy. Fulton ..	Do Do	Do	240 0 0	
D'Arcy Wentworth	Principal Surgeon ..	Do	365 0 0	
Jas. Mileham	Assist. Do	Col. Foveaux ..	182 10 0	
Wm. Redfern	Do Do	Col. Paterson ..	136 17 6	
Edward Luttrell ..	Do Do	Do Do	136 17 6	
Jno. St. Jno. Younge	Do Do	The Crown	91 5 0	
Wm. Evans	Do Do	Govr. Macquarie	91 5 0	
Jno. Oxley	Surveyor General ..	The Crown	273 15 0	
Jas. Meehan	Deputy Do Do ..	Govr. Macquarie	136 17 6	
Henry Glenholme ..	Naval Officer	Do	Receives 5 P. Ct. duties Collected.	
G. T. Palmer	Supt. of Stock	Do	100 0 0	
Jno Wm. Lewin	Coroner	Do	40 0 0	
Wm. Hy. Alcock ..	Inspector of Streets ..	Do	91 5 0	
Geo. Howe	Govt. Printer.....	Do	60 0 0	
Michl. Robinson ..	Clerk in Secretary's Office	Do	60 0 0	
Chas. Gray	Do Do	Do	60 0 0	
Robt. Jones	Asst. Supt. of Police	Do	60 0 0	
M. J. Gibbons	Clerk Public Market	Do	60 0 0	
Danl. Cubitt	County Jailor	Do	60 0 0	
Jno. Redman	Chief Constable	Do	60 0 0	
Five District Con- stables	Police	Do	50 0 0	
Robt. Wade	Church Belfry Man ..	Do	10 0 0	
Augustus Alt	Late Surveyor General	The Crown	91 5 0	
Jno. O'Hearne	Super't. of Masons ..	Col. Foveaux ..	50 0 0	
Wm. Cosar	Master Builder	Do	91 5 0	

[Enclosure No. 12]—*continued.*A LIST of Persons holding Civil and Military Employments in
His Majesty's Colony of New South Wales, &c.—*contd.*1814.
28 April.Return of
persons holding
civil and
military
appointments.

Names.	Appointments.	By whom appointed.	Yearly Salaries.	Remarks.
Isaac Nichols	Principal Superin't. ..	Col. Foveaux ..	£75 0 0	
Rd. Fitzgerald	Supert. of Works	Govr. Macquarie	50 0 0	At Windsor.
Rd. Rouse	Do Do	Govr. Bligh	50 0 0	„ Parramatta.
Nathl. Lucas	Super't. of Carpenters	Col. Johnston ..	50 0 0	Sydney.
Thos. Legg	Do Bricklayers	Do	50 0 0	Do
David Langley	Do Smiths.	Govr. Bligh	50 0 0	Do
Rd. Robinson	Do Mills.	Col. Johnston ..	50 0 0	Do
Wm. Hy. Alcock	Do Factory	Govr. Macquarie	50 0 0	Parramatta.
Fr's. Oakes	Chief Constable.....	Govr. King	50 0 0	Do
Jas. Sheers	Asst. in Hospital Dis- pensy.	Govr. Macquarie	25 0 0	Sydney.
Ann Blady	Governt. Housekeeper	Do	20 0 0	Windsor.
Jemima Fisher	Do Do	Do	20 0 0	Parramatta.
Wm. Thorn	Asst. Chief Constable	Do	10 0 0	
Wm. Davis	Asst. to Jailor	Do	20 0 0	

MILITARY EMPLOYMENTS.

Capt'n. H. C. Antill	Major of Brigade	Govr. Macquarie	182 10 0	At Sydney.
Lieut. J. McLaine	Aid de Camp	Do	182 10 0	Do
Capt'n. Wm. Kenny	Barrack Master	Do	182 10 0	Do
Capt'n. H. J. Cam- eron.	Engineer & Artill'y Officer	Do	91 5 0	Do
Jno. O'Hearne	Asst. Do & Do	Col. Foveaux ..	45 12 6	Do
Capt'n. H. Smith	Commandant	Govr. Macquarie	91 5 0	Parramatta.
J. Skottowe	Do	Do	91 5 0	Newcastle.
Chas. Whalan	Serjeant		0 1 6	Per Day.
Thos. Tollis	Corporal		0 1 0	Do
Jos. Craddock	Private		0 0 6	Do
Geo. Lawson	Do	Governor's	0 0 6	Do
Thos. Thornbury ..	Do	Guard of	0 0 6	Do
Jno. Ashton	Do	Light Horse.	0 0 6	Do
Thos. Kempson	Do		0 0 6	Do
Thos. Evans	Do		0 0 6	Do

HOBART TOWN, VAN DIEMAN'S LAND.

Thomas Davey ..	Lieut. Governor	The Crown	800 10 0	
Rev'd R. Knopwood	Chaplain	Do .....	.....
P. G. Hogan	Dy. Asst. Commissy	Do .....	.....
Wm Baker	General Storekeeper	Lieut. Govr. Davey .....	.....	} Commissariat
Samuel Bate	Judge Advocate	The Crown	182 10 0	
Mattw. Bowden ..	Actg Surgeon	Do	182 10 0	
Wm. Hopley	Asst. Do	Do	136 17 6	
G. Wm. Evans	Actg. Depy. Surveyor	Govr. Macquarie	91 5 0	
Duncan Campbell..	Naval Officer	Do	91 5 0	
Geo Wm. Gunning	Inspector of Works ..	Do	91 5 0	
Samuel Warriner ..	Superintendent.....	Commandant ..	50 0 0	
Henry Hacking...	Do	Do	50 0 0	
Jno. Clarke	Do	Do	50 0 0	
Dennis McCarthy..	Supt. of Stock	Do	50 0 0	
Oliver Smith	Overseer	Do	25 0 0	
Jno. Conliff	Do	Do	25 0 0	
Sam'l. Lightfoot ..	Do	Do	25 0 0	
Jno. Mauby	Do	Do	25 0 0	
Edwd. Barns	Do	Do	25 0 0	
Thos. Fitzgerald ..	Schoolmaster	Do	25 0 0	

1814.
28 April.

Return of
persons holding
civil and
military
appointments.

[Enclosure No. 12]—*continued*.

A List of Persons holding Civil and Military Employments in
His Majesty's Colony of New South Wales, &c.—*contd.*

Names.	Appointments.	By whom appointed.	Yearly Salaries.	Remarks.
PORT DALRYMPLE.				
Captn. Jno. Ritchie	Commandant	Govr. Macquarie	£182 10 0	
Jacob Mountgarrett	Surgeon	Govr. King	182 10 0	
Jno. Smith	Asst. Do	Govr. Macquarie	91 5 0	
Thos. Archer	Clerk Commisst. Staff	Do	....
Davd. Rose.....	Supt. of Stock	Do	91 5 0	
Wm. H. Lyttleton .	Naval Officer	Do	91 5 0	
Ricd. Dry	Storekeeper	Govr. Bligh	50 0 0	
Thos. Massey	Superintendent	Do	50 0 0	
Walter Connison ..	Do	Govr. Macquarie	50 0 0	
Jno. Thomas	Harbour Master ...	Do	50 0 0	
Thos. McQueen	Schoolmaster.....	Do	20 0 0	

NORFOLK ISLAND.

N.B.—On the final Evacuation of this Settlement taking place in February last, Mr. William Hutchinson, Principal Superintendent of Convicts and Public Works, was left there with a Gang of Thirty Men for the purpose of Killing and Salting down the Cattle left on the Island for the use of Government.

L. MACQUARIE, Govr. in Chief of N. S. Wales.
Sydney, N. S. Wales, 1st Jany., 1814.

[Enclosure No. 13.]

COMMISSARIAT RETURN.

Sydney, 24th January, 1814.

RETURN of Provisions remaining in His Majesty's Stores on the
Eastern Coast of New South Wales with an Estimate how
long each Specie will last, Vizt:—

Salted Beef	72,746	Pounds	or	Three Weeks	and a half.
Do. Pork	250,840	Do.		Twenty Do.	and a half.
Wheat	59,211	Do.		Three Do.	
Sugar	29,740	Do.		Six Do.	and a half.
Rice	5,983	Do.		Four Do.	

N.B.—The above Estimate of Provisions is calculated for
3,000 Full Rations at the following weekly allowance for One
Man, Vizt Seven Pounds of Salt Beef or Four Pounds of Salt
Pork, Six Pounds of Bread or Six Pounds of Wheat, One Pound
and a half of Sugar and Half a Pound of Rice.

D. ALLAN, D. C. Genl.

Return of
provisions
in store.

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of July to the 30th day of Septemr. 1813.

Date.	Vessels Name.	Master.	Build.	Number of		Where Built.	Registered.	Owners Name.	From Whence.	General Cargo.	Duty.
				Tons.	Guns.						
July	5 Eliza	R. Murray...	Plantation...	200	8 36	Bengal	Calcutta	R. Murray...	Calcutta...	See Appendix	£ s. d.
29	Atalanta.....	J. Morris	Foreign	137	6 20	Prize	London	Wilson & Co.	Fishery ...	See Appendix	2887 2 1½
22	Concord	W. Elder	British	151	6 17	Dartmouth ..	Do	Birnie & Co.	London ...	See Appendix	3 0 0
August	16 Spring Grove ..	W. Duglass...	Foreign	256	10 25	Prize	Do	Wilson & Co.	Fishery ...	See Appendix	101 8 9
10	Favorite	R. Fisk	American	158	4 25	American	Calcutta	J. McKenzie	Calcutta...	See Appendix	4 0 0
Sept.											2920 5 6
											£5915 16 4½

Spirits imported :—*Eliza*—Rum, 91 casks, 12,066 galls. *Concord*—Brandy, 5 casks, 600 galls; Gin, 2 casks, 250 galls. *Favorite*—Rum, 143 Casks, 182,066 galls.

Wine imported :—*Eliza*—6 casks, 620 galls. *Concord*—19 casks, 2465 galls.

APPENDIX.

Eliza—123 Chests of Tea, 8 Bales of piece goods, 1 Package of Glasses, 40 Do. of Lincs, Twines and Coir, 20 Bolts of Canvas, 1 Billiard Table, 76 packages China and Glass Ware, 100 Packages of Soap and 1 Piano Forte.

Atalanta.—80 Tons of Sperm Oil for the London Market.

Concord.—150 hogshds. of Porter, 5 Casks of Bottld. Porter, 2 Casks of Cotton Wick, 1 Bag of Corks, 3 Bales of Piece Goods, 9 Casks of Vinegar, 1 Trunk of Haberdashery, and 21 Packs. of Sundries.

Spring Grove.—22 Tons Sperm Oil for the London Market.

Favorite.—70 Packages of Piece Goods and 39 Do. of China Ware.

Naval Office, Sydney, New South Wales, 30th day of Sept., 1813. E.E. H. GLENHOLME, Naval Officer.

1814.
28 April.
Return of
shipping:
inwards.

1814.
28 April.
Return of
shipping:
outwards.

[Enclosure No. 14]—*continued.*

REPORTS of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st day of July to the 30th day of September, 1813.

Date.	Vessels Name.	Master.	Number of		Build.	Where Built.	Regis-tered.	Owner's Name.	Where bound.	General Cargo.	Clearance fee.
			Tons.	Guns.							
July 3	Minstrel	John Reed ...	351	12 28	British	Hull	Hull	Thomas Hall & Co.	Rio de Janeiro and London.	See Appendix	£ s. d. 0 5 0
August 16	Phoenix	Willm. Parker 338	8 28	Foreign ...	Foreign ...	Prize	London	Dani. Bennett	Ditto ...	See Appendix	0 5 0
September 8	Atalanta.....	Jos. Morris ...	137	6 20	Do	Do	Do	Wilson & Co.	Fishery & Lon- don.	See Appendix	0 5 0
10	Spring Grove	Wm. Duglass	256	10 25	Do	Do	Do	Ditto	Ditto ...	See Appendix	0 5 0
"	Fortune	T. Walker	626	16 50	Do	Do	Do	Peter Mestaers	China	Ballast	0 5 0
14	Eliza	Robt. Murray 290	8 39	Plantation	Do	Calcutta ...	Calcutta	Robt. Murray	Derwent	See Appendix	0 5 0
15	Arch Duke Charles, Concord ...	J. P. Jeffries... 539	10 40	British ...	British ...	Hull	London	Henry Moore & Co.	China	Ballast	0 5 0
16	Mary & Sally	J. Kelly	131	1 19	Plantation	Pegue	Calcutta	Wm. Collins	Derwent	Do	0 5 0
"	Concord ...	Wm. Elder ...	151	6 17	British ...	Dartmouth	London	Birnie & Co.	Fishery	Do	0 5 0
										£	2 5 0

APPENDIX.

Minstrel.—76 Casks of Seal Skins, 25,159 Do. in Bulk. 450 Bullock Hides, 38 Casks of Sperm and Elephant Oil, 41 Casks of Tallow, 100 Casks of Flour, 142 Bales of Wool, and 39 Tons of Pearl Shells.
Phoenix.—205 Tons of Sperm Oil for London Market.
Atalanta.—80 Tons of Sperm Oil for London Market.
Spring Grove.—22 Tons of Sperm Oil for London Market.
Eliza.—Sundry Stores and Live Stock for the Derwent.

[Enclosure No. 14]—continued.

1814.
28 April.ENTRIES of Colonial Vessels from the 1st day of July to the
30th day of September, 1813.Entries of
colonial vessels.

Date.	Vessels Name.	From Whence.	Bushels.			Tons Coal.	Gen'l Cargo.	Duty and Fees of Entry.
			Wheat.	Barley.	Malze.			
July 5	Govr. Hunter.....	New Castle ..	..	..	..	13	and 17 Logs Cedar for Govt.	0 5 0
7	Wm. & Mary	Hawky.	150	400	..	..	..	0 2 0
10	Hope	Do	140	200	..	..	..	0 2 0
"	Windsor	Do	100	400	..	..	..	0 2 0
13	Perseverance	New Zealand ..	..	..	..	..	None.....	0 5 0
15	Revenge	Hawky.	40	210	..	..	..	0 2 0
24	Unicorn	Do .....	..	390	..	..	..	0 2 0
"	Mary Anne	New Castle ..	..	..	..	20	..	12 15 0
29	Edwin	Hawky.	30	450	..	..	..	0 2 0
30	Improvem't.	Do .....	..	350	..	..	..	0 2 0
"	Recovery	Do	150	260	..	..	..	0 2 0
Augt. 2	Elizt. & Mary	Seal Islds. ....	..	..	..	..	None.....	0 5 0
5	Whale	Hawky.	150	260	..	..	..	0 2 0
"	Govr. Hunter	New Castle ..	..	..	..	..	1000 Bus. Lime Govt.	0 5 0
7	Hawky. Packet.....	Hawky. ....	..	400	..	..	..	0 2 0
13	Fly	Do	20	300	..	..	..	0 2 0
16	Mary Anne	New Castle ..	..	..	20	..	..	12 15 0
17	Speedwell	Hawky. ....	..	300	..	..	..	0 2 0
"	Betsey	Do .....	..	350	..	..	..	0 2 0
20	Henrietta	Derwent .....	..	..	..	..	20 Tons Potatoes	0 5 0
"	Wm. & Mary	Hawky.	471	100	..	..	..	0 2 0
"	Govr. Hunter	New Castle ..	..	..	27	..	Government	0 5 0
23	Wm. & Ann	Hawky. ....	..	40	..	..	591 Boards	0 2 0
25	Revenge	Do	200	100	..	..	..	0 2 0
Sepr. 1	Hope	Do	190	150	..	..	..	0 2 0
2	Windsor	Do	150	20 110	..	..	..	0 2 0
3	Mary Anne	New Castle ..	..	..	21	..	..	13 7 6
6	Improvem't.	Hawky.	30	300	..	..	..	0 2 0
"	Campbell Macquarie	Derwent .....	..	..	..	..	20 Tons Potatoes	0 5 0
7	Union	Hawky.	50	100	..	..	..	0 2 0
"	Govr. Hunter	New Castle ..	..	..	28	..	For Government	0 5 0
14	Whale	Hawky.	450	..	..	..	..	0 2 0
18	Speedwell	Do	750	..	..	..	..	0 2 0
"	Cumberland	Derwent .....	..	..	..	..	13 Tons of Oil	26 5 0
21	Geordy	Hawky. ....	..	500	..	..	..	0 2 0
"	Govr. Hunter	New Castle ..	..	..	30	..	For Govern't.	0 5 0
24	Active	Derwent .....	..	..	..	..	A Quantity of Oil not landed.	0 5 0
								£ 69 18 6

H. GLENHOLME, N.O.

Naval Office, 30th Septemr., 1813. E.E.

SAILINGS of Colonial Vessels from the 1st day of July to the
30th day of September, 1813.Departures of
colonial vessels.

Date.	Vessels Name.	Where bound.	General Cargo.	Clearance fee.
July 2	Whale	Hawkesy.	Ballast ..	£0 2 0
5	Hawky. Packet.....	Do	Do ..	0 2 0
6	Governor Hunter.....	New Castle ..	Do ..	0 5 0
13	Mary Anne	Do	Do ..	0 5 0
16	Windsor	Hawkesy.	Do ..	0 2 0
17	Will & Mary	Do	Do ..	0 2 0
20	Revenge	Do	Do ..	0 2 0
22	Geordy	Do	Do ..	0 2 0

[Enclosure No. 14]—*continued.*SAILINGS of Colonial Vessels, &c.—*continued.*

1814.
28 April.
Departures of
colonial vessels.

Date.	Vessels Name.	Where bound.	General Cargo.	Clearance fee.
July 28	Mary Anne	New Castle	Ballast	£0 5 0
"	Hope	Hawkesy.	Do	0 2 0
Augt. 3	Union	Do	Do	0 2 0
4	Recovery	Do	Do	0 2 0
7	Governor Hunter	New Castle	Do	0 5 0
"	Improvement	Hawkesy.	Do	0 2 0
"	Govr. Macquarie	Otaheite	Do	0 5 0
11	Hawkesy. Packet	Hawkesbury	Do	0 2 0
14	Whale	Do	Do	0 2 0
"	Elizabeth & Mary	Sealing Islands	Do	0 5 0
"	Brothers	Port Dalrymple	Do	0 5 0
19	Mary Anne	New Castle	Do	0 5 0
23	Governor Hunter	Do	Do	0 5 0
"	Happy Return	Broken Bay	Do	0 2 0
24	Edwin	Hawkesbury	Do	0 2 0
"	Betsey	Do	Do	0 2 0
25	Speedwell	Do	Do	0 2 0
26	Wm. & Mary	Do	Do	0 2 0
28	Wm. & Anne	Do	Do	0 2 0
Sept. 4	Revenge	Do	Do	0 2 0
8	Hope	Do	Do	0 2 0
9	Governor Hunter	Do	Do	0 5 0
11	Trial	Port Dalrymple	Do	0 5 0
13	Windsor	Hawkesy.	Do	0 2 0
14	Union	Do	Do	0 2 0
18	Henrietta	Derwent	Do	0 5 0
21	Improvement	Hawkesbury	Do	0 2 0
22	Governor Hunter	New Castle	Do	0 5 0
"	Whale	Hawkesy.	Do	0 2 0
23	Cumberland	New Castle	Do	0 5 0
				£5 18 0

H. GLENHOLME, N.O.

Naval Office, Sydney, 30th Septemr., 1813. E.E.

Account of
duties collected.

ESTIMATE of Duties Collected by the Naval Officer from the 1st
day of July to the 30th day of September 1813.

Eliza	£2,887 2 13 $\frac{1}{4}$
Atalanta	3 0 0
Concord	101 8 9
Spring Grove	4 0 0
Favorite	2,920 5 6
Minstrel	10 12 0
Phoenix and Mary and Sally	0 10 0
Arch Duke Charles	2 7 0
Colonial Vessels Inwards Pr. Abstract	69 18 6
Ditto Outwards Do.	5 18 0
Sandal Wood Duties Vizt. by Notes pay'e @ 12 mos—	
Charles Hook on 175 $\frac{1}{2}$ Tons @ £2	
10s.	£438 15 0
Garnham Blaxcell on 224 $\frac{1}{2}$ Tons	
@ £2 10s.	561 5 0
Mary Reiby on 37 & 84 Tons @	
£2 10s.	92 11 10 $\frac{1}{2}$
George Howe on 37 & 84 Tons @	
£2 10s.	92 11 10 $\frac{1}{2}$
	1,185 3 9

[Enclosure No. 14]—*continued.*ESTIMATE of Duties Collected, &c.—*continued.*1814.
28 April.Account of
duties collected.

Duty on 115 Gallons of Spirits from Sundry Indivs	3s.	£17	5	0
Do. 110 „ Do. Do.	5s.	27	10	0
		£7,235	0	7 $\frac{3}{4}$
Deduct Naval Officer's Commiss'n of 5 p. Cent.		361	15	0 $\frac{1}{4}$
Balance due Government		£6,873	5	7 $\frac{1}{2}$

H. GLENHOLME, Naval Officer.

Naval Office, Sydney, New South Wales,
30th day of September, 1813. E.E.

Appd.:—L. MACQUARIE.

EXPLANATION of the within Estimate of Duties.

	£	s.	d.	£	s.	d.	Detailed statements of duties collected.
<i>Ship Eliza—</i>							
To Entry and Port Clearance ..	5	6	6				
Wharfage on 458 packs @ 6d.	11	9	0				
Ad: Val: on £4,549 13s. 3d.							
@ 5 pr. Ct.	227	9	7 $\frac{3}{4}$				
Duty on 7,947 Galls. Rum 5s.	1,986	15	0				
„ on 4,219 Do. 3s.	632	17	0				
„ 620 Wine 9d.	23	5	0				
				2,887	2	1 $\frac{3}{4}$	
<i>Brig Atalanta—</i>							
To Entry and Port Clearance ...				3	0	0	
<i>Brig Concord—</i>							
To Entry and Port Clearance ...	4	6	6				
Wharfage on 187 Packs 6d.	4	13	6				
Duty on 2,465 Galls. Wine 9d.	92	8	9				
				101	8	9	
<i>Brig Spring Grove—</i>							
To Entry and Port Clearance ...	4	0	0	4	0	0	
<i>Brig Favorite—</i>							
To Entry	4	1	6				
Wharfage on 242 Packs 6d.	6	1	0				
Ad: Val: on £3,400 @ 5 pr.							
Cent.	170	0	0				
Duty on 18,266 Galls. Rum 3s.	2,739	18	0				
				2,920	5	6	
<i>Ship Minstrel—</i>							
To Clearance	0	5	0				
Wharfage on 414 Packs 6d...	10	7	0				
				10	12	0	
<i>Ship Arch Duke Charles—</i>							
To Clearance	0	5	0				
2 Weeks Mooring chains	2	2	0				
				2	7	0	

1814.
28 April.

Return of
shipping:
inwards and
outwards.

[Enclosure No. 14]—continued.

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of October to the 31st day of December, 1813.

Date.	Name of Vessel.	Master.	Build.	Number of			Where built.	Registered.	Name of Owners.	From Whence.	General Cargo.	Duty and Fees of Entry.
				Tons.	Guns.	Men.						
October 15	Earl Spencer	W. Mitchell	British	672	16	56	River Thames.	London	Mitchell & Co.	London and Madeira.	See Appendix	282 17 9
Decem'r 20 23	James Hay	W. Campbell	Foreign	186	13	20	Prize	Do	Lord & Co.	Pearl Islands	See Appendix	2 0 0
	Argo	J. P. Dixon	Plantation	150	4	32	Chittagong	Calcutta	Payne & Tyree	Isle of France	See Appendix	265 16 3
												£ 550 14 0

Spirits imported :—*Earl Spencer*—Rum, 7 Casks, 800 galls.; Brandy, 2 Casks, 200 galls.; Gin, 2 Casks, 200 galls. *Argo*—Rum, 40 Casks (Bonded Wine imported :—*Earl Spencer*—15 Casks, 40 Cases, 1,223 galls. *Argo*—12 Casks (not gauged).

APPENDIX.

Earl Spencer.—2 Bales of Canvas, 29 Barrels of Tar and Pitch, 1 Iron Chest, 11 Boxes of Tin plates, 3 Rolls of Sheet Lead, 12 Cases of Glass and Earthenware, 14 Casks of Vinegar, &c., 60 hogs. of Porter, 38 Bags of Paint and Oil, 8 Bags of Corks, 5 Cases of Hats, 24 Boxes of Soap, 1 Bale of Linnen, 20 Kegs of Nails, 78 Cases and irkins Butter and Cheese, 30 Hams, 4 Cases of Haberdashery, 33 Boxes of Candles, and 100 Kegs of Herrings.

James Hay.—40 Tons of Pearl Shell for the London Market.

Argo.—477 Bags of Rice, 451 Packs. of Sugar, 617 Chests of Tea, 281 Packages of Soap, 30 Cases of Noyeau, 10 Bags of Coffee, 95 Packs Tobacco, 34 Coils of Rope, and 3 Bales of Piece Goods.

H. GLENHOLME, Naval Officer.

Naval Office, Sydney, New South Wales, 31st day of December, 1813. E.E.

REPORTS of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st day of October to the 31st day of December, 1813.

When Cleared.	Name of Vessel.	Master.	Number of			Where Built.	Registered.	Owners Name.	Where Bound.	General Cargo.	Clearance Fee.
			Tons.	Guns.	Men.						
October 12	Favourite	.....	156	...	18	Plantation America....	Calcutta	John MacKenzie	Society Islands and China.	Ballast	0 5 0

H. GLENHOLME, N.O.

Naval Office, Sydney, New South Wales, 31st day of December, 1813. E.E.

MACQUARIE TO BATHURST.

199

[Enclosure No. 14]—continued.

ENTRIES of Colonial Vessels from the 1st day of October to the
31 day of December 1813.1814.
28 April.Entries of
colonial vessels.

Date.	Vessel's Name.	From whence.	Bushels of			Feet of Cedar.	Tons of Coals.	General Cargo.	Fees of Entry and Duty.
			Wheat.	Barley.	Maize.				
Octor. 1	William & Mary	Hawkesbury	100	..	200	..	..	..	£0 2 0
4	Hope	Do	200	..	100	..	..	..	0 2 0
..	Governor Hunter	New Castle	..	..	..	..	..	Govt. Acct.	0 5 0
8	King George	Derwent	..	..	..	..	..	120 Tons Oil	240 5 0
11	William & Anne	New Castle	..	..	..	14	..	..	8 15 0
..	Whale	Hawkesbury	80	..	120	..	..	..	0 2 0
..	Revenge	Do	..	..	..	..	..	Ballast	0 2 0
..	Edwin	Do	550	..	..	..	..	..	0 2 0
21	Whale	Botany Bay	..	..	..	..	..	Boat Timber	0 2 0
24	Cumberland	New Castle	..	..	..	60	..	..	37 15 0
..	Elizabeth	Feejees	..	..	..	..	..	Ballast	0 5 0
25	Union	Hawkesbury	150	..	250	..	..	..	0 2 0
26	Brothers	Port Dalrymple	1161	..	..	..	..	..	0 5 0
27	Windsor	Hawkesbury	400	..	100	..	..	..	0 2 0
Novr. 2	Governor Hunter	New Castle	..	..	..	..	..	Govt. Acct.	0 5 0
4	Geordy	Shoal Haven	..	..	..	3100	..	..	13 3 4
8	Daphne	Otaheite	..	..	..	..	..	Ballast	0 5 0
14	Speedwell	Hawkesbury	100	..	..	..	..	2000ft. Boards	0 2 0
18	Improvement	Do	200	..	220	..	..	..	0 2 0
22	Hawkesbury	..	..	..	..	..	..	..	..
..	Packet.	Shoal Haven	..	..	..	4150	..	..	17 10 10
29	Mary	New Castle	..	..	..	..	..	Govt. Acct.	0 5 0
Decr. 16	Governor Bligh	New Zealand	..	..	..	..	..	6000 Skins	27 15 0
21	Geordy	Shoal Haven	..	..	..	3200	..	..	13 11 8
22	Hawky. Packet.	Do	..	..	..	2800	..	..	11 18 4
26	Governor Hunter	New Castle	..	..	..	..	..	Govt. Acct.	0 5 0
27	Mary	Do	..	..	..	..	..	Do	0 5 0
..	Edwin	Hawkesy.	530	..	18	..	..	..	0 2 0
..	Hope	Do	200	100	..	..	..	..	0 2 0
									£ 373 18 2

H. GLENHOLME, N.O.

Naval Office, Sydney, 31st day of Decemr. 1813. E.E.

SAILING of Colonial Vessels from the 1st day of October to the
31st day of December, 1813.Departures of
colonial vessels.

Date.	Name of Vessel.	Where bound.	General Cargo.	Clearance fee.
Octor. 2	Speedwell	Hawkesbury	Ballast	£0 2 0
6	Governor Hunter	New Castle	Do	0 5 0
..	William & Mary	Hawkesbury	Do	0 2 0
8	Geordy	Shoal Haven	Do	0 2 0
14	Revenge	Hawkesbury	Do	0 2 0
15	Whale	Botany Bay	Do	0 2 0
16	Edwin	Hawkesbury	Do	0 2 0
..	Hawky. Packet	Shoal Haven	Do	0 2 0
23	Whale	Botany Bay	Do	0 2 0
29	Active	Derwent	Do	0 5 0
30	Mary Anne	New Castle	Do	0 5 0
Novr. 4	Governor Hunter	Do	Do	0 5 0
6	Windsor	Hawkesbury	Do	0 2 0
10	Whale	Do	Do	0 2 0
..	Geordy	Shoal Haven	Do	0 2 0
13	Mary	New Castle	Do	0 5 0
20	Wm. & Anne	Bass's Straits	Do	0 5 0
23	Campbell Macquarie	Society Islds.	Do	0 5 0
24	Fly	Bass's Straits	Do	0 5 0

1814.
28 April.

[Enclosure No. 14]—continued.
SAILINGS of Colonial Vessels, &c.—continued.

Departures of
colonial vessels.

Date.	Name of Vessel.	Where bound.	General Cargo.	Clearance fee.
Novr. 24	Elizabeth.....	Derwent ..	Ballast ..	£0 5 0
25	Mary Anne.....	New Castle ..	Do ..	0 5 0
27	Hawky. Packet.....	Shoal Haven ..	Do ..	0 2 0
Decr. 1	Willm. & Mary ..	Do ..	Do ..	0 2 0
2	Mary ..	New Castle ..	Do ..	0 5 0
4	Betsey ..	Hawkesbury ..	Do ..	0 2 0
8	Hope ..	Do ..	Do ..	0 2 0
16	Brothers ..	Do ..	Do ..	0 2 0
31	Mary.....	New Castle ..	Do ..	0 5 0
				£4 12 0

H. GLENHOLME, N.O.

Naval Office, Sydney, 31st day of December 1813. E.E.

Account of
duties collected.

ESTIMATE of Duties collected by the Naval Officer from the 1st
of October to the 31st day of December, 1813.

Earl Spencer	£282 17 9
James Hay	2 0 0
Argo	265 16 3
Favorite	0 5 0
Duty on 75 Gallons of Rum from Individuals	18 15 0
Sandal Wood Duty from Simeon Lord, Esqre., pay- able 30th Septemr., 1814	547 0 0
Colonial Vessels Inwards P. Abstract	373 18 2
Ditto Outwards Do.	4 12 0
	<hr/>
	1,495 14 2
Deduct Naval Officer's Commission of 5 Pr. Cent. . .	74 15 8½
	<hr/>
Balance due to Government	£1,420 18 5½

H. GLENHOLME, Naval Officer.

Naval Office, Sydney, New South Wales,
31st Day of December, 1813. E.E.

Detailed
statements of
duties collected.

EXPLANATION of the within Estimate of Duties.

Earl Spencer—	£	s.	d.	£	s.	d.
To Entry	7	7	6			
Wharfage on 390 packs 6d... ..	9	15	0			
Duty on 1,223 Gs. Wine 9d... ..	45	17	3			
Do. 1,466 „ rum 3s... ..	219	18	0			
				282	17	9
James Hay—						
To Entry the second time				£2	0	0
Argo—						
To Entry	4	7	6			
Wharfage on 1,716 packs 6d.	42	18	0			
Ad: Val: on 4,370 l̄s. @ 5 pr. Cent.	218	10	9			
				265	16	3
Favorite—						
To Clearance fee				0	5	0

[Enclosure No. 14]—*continued*.

Report of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of January to 15th day of February, 1814.

Date of Entry.	Name of Vessel.	Master.	Build.	Number of		Where Built.	Registered.	Name of Owner.	From Whence.	General Cargo.	Duty.	
				Tons.	Guns.						£ s. d.	
Janry. 13	Wanstead	H. Moor.....	British ...	252	12	21	River Thames	London	London ...	See Appendix	60	16 9
Febry. 10	General Hewitt	P. Earl	Plantation	960	14	80	Calcutta	Do	Do ...	See Appendix	26	11 0
" 14	Britania	J. T. Williams	Do	160	2	24	Isld. of France	Calcutta	Calcutta...	See Appendix	64	19 6
" 15	Windham	Wm. Blyth ...	British ...	878	14	52	River Thames	London	London ...	See Appendix	13	2 0
											£165	9 3

Spirits imported :—*Wanstead*—Rum, 2 Casks, 224 galls.; Gin, 1 Cask, 112 galls. *Britania*—Rum, 4 Casks (Bonded).

Wine imported :—*Wanstead*—3 Casks, 4 Cases, 121 galls. *General Hewitt*—1 Cask, 50 galls.

APPENDIX.

Wanstead.—2 Trunks of Boots and Shoes, 4 Hogs. of Beer, 26 Packs. of Cheese and Butter, 3 Do. Glass and Earthen Ware, 1 Do. Loaf Sugar, 3 Boxes Sadlery, 1 Case of Hats, 1 Do. of Stationary, 1 Bale of Slops, 2 Bags of Corks, 6 Tierces of Bottled Porter, 1 parcel Haberdashery, 1 Box of Cutlery, 3 Crates of Tin Ware, and 1 Bale Kerseymeres.

General Hewitt.—214 Baskets of Tobacco, 28 Hogs. and 100 dozen of Porter for Captain, 6 Boxes of Raisins, 3 Bags of Coffee, and 12 Pipes of Rum for Depy. Commissary General Allan.

Britania.—8 Bags of Soap, 25 Packs. of Sunds., 50 Bales of Piece Goods, 1 Trunk of Nankeens, 70 Bags of Rice, 1 Buggy and 3 Chests of Tea.

Windham.—36 Rolls of Tobacco, 41 packs. of paints, 6 Bales Canvas, 50 packs. of Porter, Tea, Nails, &c.

H. GLENHOLME, Naval Officer.

Naval Office, Sydney, New South Wales, 15th Day of February, 1814.

E.F.

1814.
28 April.

Return of
shipping:
inwards.

1814.
28 April.
Return of
shipping:
outwards.

[Enclosure No. 14]—continued.

REPORT of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st day of Jany. to the 15th day of February, 1814.

When Cleared.	Name of Ship.	Master.	Number of			Build.	Where Built.	Registered.	Owners Name.	Where Bound.	General Cargo.	Clearance Fee.
			Tons.	Guns.	Men.							
Jany. 22	Earl Spencer...	W. Mitchell	672	16	51	British ...	River Thames	London	Mitchell & Co.	Ceylon ...	58 Casks of Black Whale oil.	£ s. d. 3 8 0
February 7	Wanstead	H. Moor	252	12	21	Do ...	Do ...	Do	H. Moor	Batavia ...	80 Tons Pearl Shells.	0 5 0
											£	3 13 0

Naval Office, Sydney, New South Wales, 15th Day of February, 1814.

H. GLENHOLME, N.O. F.E.

[Enclosure No. 14]—*continued.*ESTIMATE of Duties collected by the Naval Officer from the
1st day of January to the 15th day of February, 1814.

			1814. 28 April.	Account of duties collected.
Wanstead	£60	16	9	
General Hewitt	26	11	0	
Britania	64	18	7	
Windham	13	2	0	
Earl Spencer	3	8	0	
James Hay	200	0	0	
Governor Bligh, Schooner	25	18	9	
Brig Daphne	47	10	0	
Colonial Vessels Inwards pr. Abstract	159	10	0	
Do. Outwards Do.	2	7	0	
Auction Duties from David Bevan	19	3	0	
Do. James Larra	5	2	0	
Do. J. Howe	24	5	6 $\frac{1}{2}$	
Alexr. Riley, Esq., acknowledgement	85	14	1 $\frac{3}{4}$	

£738 6 9 $\frac{1}{4}$

Deduct Naval Officer's Commiss. of 5 P. Cent. ..

36 18 4

Balance due Govern't

£701 8 5 $\frac{1}{4}$

H. GLENHOLME, Naval Officer.

Naval Office, Sydney, N. S. Wales,

15th day of February, 1814. E.E.

Appd.:—L. MACQUARIE.

EXPLANATION of the within Estimate of Duties.

	£	s.	d.	£	s.	d.	Detailed statements of duties collected.
<i>Wanstead</i> —							
To Entry & Port Clearance	4	10	6				
Wharfage on 55 packs @ 6d.	1	7	6				
Duty 121 Galls wine 9d.	4	10	9				
Do. 336 „ Spirits 3s.	50	8	0				
				60	16	9	
<i>General Hewitt</i> —							
To Entry	7	5	6				
wharfage on 216 packs 6d.	5	8	0				
Duty on 50 Galls. wine 9d.	1	17	6				
Ad: Val: on £240 @ 5 P.C.	12	0	0				
				26	11	0	
<i>Britania</i> —							
To Entry	4	5	6				
wharfage on 86 packs 6d.	2	3	0				
Ad: Val: on £1,170 10s. @ 5 P.C.	58	10	1				
				64	18	7	
<i>Windham</i> —							
To Entry	7	5	6				
wharfage on 133 packs 6d.	3	6	6				
Ad: Val: on £50	2	10	0				
				13	2	0	
<i>Earl Spencer</i> —							
To 3 weeks mooring chains	3	3	0				
Clearance	0	5	0				
				3	8	0	

1814.
28 April.
Detailed
statements of
duties collected.

[Enclosure No. 14]—continued.

EXPLANATION of the within Estimate of Duties—continued.

<i>James Hay</i> —		£	s.	d.
To Duty on 80 Tons of Pearl Shells @ £2 10s.		200	0	0
<i>Governor Bligh</i> —				
To Duty on 4,150 skins @ 1½d.		25	18	9
<i>Daphne</i> —				
To Duty on 19 Tons of Pearl Shells		47	10	0

Entries of
colonial vessels.

ENTRIES of Colonial Vessels from the 1st day of January to the 15th day of February, 1814.

Date.	Vessels Name.	From whence.	Bushels of—			Tons of Coal.	Feet of Cedar	General Cargo.	Duty and Fees of Entry.		
			Wheat.	Barley.	Maize.				£	s.	d.
Jany. 8	Mary Anne.....	New Castle..	...	...	...	18	..	.....	11	15	0
13	Elizt. and Mary..	Bass's Straits	...	...	...	..	..	4100 Skins	17	6	8
20	Elizabeth.....	Derwent .....	...	...	...	..	..	.....	0	5	0
24	Mary.....	New Castle..	...	...	...	..	..	Govt. account ..	0	5	0
Feb'y. 7	Hawkesy. Packet	Shoal Haven..	...	...	...	..	..	.....	0	2	0
7	Geordy.....	Do .....	...	...	...	1000	..	.....	4	5	4
9	Betsy	Hawk'y.	300	...	...	..	..	.....	0	13	0
9	William and Mary	Do	250	50	...	..	..	.....	0	13	0
14	Windsor	Do	500	...	...	..	..	.....	0	13	0
14	Queen Charlotte..	Otaheite ....	...	...	...	..	..	50 Tons of Pearl Shells.	125	0	0
15	Endeavour	New Castle..	...	...	...	..	..	Govt. account ..	0	5	0
									£	159	10 0

H. GLENHOLME, N.O.

Naval Office, Sydney, 15th February, 1814. E.E.

Departures of
colonial vessels.

SAILING of Colonial Vessels from the 1st Day of January to the 15th Day of February, 1814.

Date.	Vessels Name.	Where bound.	General Cargo.	Clearance fee.
Jany. 4	Geordy.....	Shoal Haven	Ballast ..	£0 2 0
5	Improv't.....	Hawky.....	Do	0 2 0
8	Gover'r Hunter	New Castle	Do	0 5 0
11	Mary Anne.....	Do	Do	0 5 0
12	Hawky. Packet.....	Shoal Haven	Do	0 2 0
12	Hope	Hawky.....	Do	0 2 0
15	Cumberland	Society Islds.	Do	0 5 0
19	Speedwell	Hawky.....	Do	0 2 0
31	Endeavour	New Castle	Do	0 5 0
Feb'y. 1	Mary	Do	Do	0 5 0
7	Mary Anne.....	Do	Do	0 5 0
8	Union	Hawky.....	Do	0 2 0
9	Elizth. and Mary	Basses Straits	Do	0 5 0
				£2 7 0

H. GLENHOLME, N.O.

Naval Office, Sydney, 15th February, 1814. E.E.

[Enclosure No. 15.]

THE ACCOUNT of the Colonial Police Fund from the 1st of July, 1813, to the 31st of March, 1814, both days inclusive.

[Enclosure No. 16.]

REQUISITIONS FOR STORES.

[Copies of these two enclosures will be found in a volume in series II.]

[Enclosure No. 17.]

RETURN of Absolute and Conditional Pardons granted from the 1st of June, 1813, to the 25th of April, 1814.

[A copy of this return is not available.]

[Enclosure No. 18.]

EXTRACT from Returns of Births, Deaths and Marriages, in the Districts of Sydney, Parramatta and Hawkesbury, and in Van Dieman's Land for the Quarters ending September 30th and December 31st, 1813.

Return of births, deaths, and marriages.

Place.	For Quarter Ending.	Number.
<i>Baptisms.</i>		
Sydney	September 30th, 1813	50
"	December 31st, 1813	47
Parramatta	September 30th, 1813	13
"	December 31st, 1813	11
Hawkesbury	September 30th, 1813	15
"	December 31st, 1813	12
Van Dieman's Land.....	September 30th, 1813	6
"	December 31st, 1813	8
"	March 31st, 1814	8
<i>Funerals.</i>		
Sydney	September 30th, 1813	22
"	December 31st, 1813	37
Parramatta	September 30th, 1813 }	12
"	December 31st, 1813 }	
Hawkesbury	September 30th, 1813	5
"	December 31st, 1813	8
Van Dieman's Land.....	September 30th, 1813	
"	December 31st, 1813	3
"	March 31st, 1814	2
<i>Marriages.</i>		
Sydney	September 30th, 1813	13
"	December 31st, 1813	9
Parramatta	September 30th, 1813	14
"	December 31st, 1813	8
Hawkesbury	September 30th, 1813	13
"	December 31st, 1813	8
Van Dieman's Land.....	September 30th, 1813	2
"	December 31st, 1813	3
"	March 31st, 1814	1

1814.
28 April.
Report of
criminal trials.

[Enclosure No. 19.]

REPORT of Prisoners tried by the Criminal Court at Sydney from the 1st of June, 1813, to 25th of April, 1814, both days inclusive.

[A copy of this report will be found in a volume in series IV.]

Return of
convicts arrived
in the colony.

[Enclosure No. 20.]

RETURN of Convicts arrived in the Colony from the 30th of June to the 31st of December, 1813.

[This return gave particulars of age, sentences, etc., of all transportees arrived between the said dates.]

Surveyor's
instruments
required for use
in Tasmania.

[Enclosure No. 21.]

MR. JOHN OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 27th April, 1814.

I beg leave to enclose for Your Excellency's approbation a demand made by Mr. G. W. Evans, Deputy Surveyor, for Mathematical Instruments &c. for the Use of that Department in Van Diemen's Land, the same being very much wanted for the Public Service in that Settlement.

I am, &c.,
J. OXLEY, Surveyor-General.

Requisition for
instruments.

[Sub-enclosure.]

A DEMAND for Instruments &c. for the Use of the Surveyor Stationed at His Majesty's Settlements, Van Diemen's Land.

- Two Circumferentors with Sights Complete.
- One Case Mathematical Instruments Complete.
- One do. do. do. for the Pocket.
- ½ a doz'n Spare Needles.
- Spare Compasses of Sizes.
- Beam Compasses.
- Proportional Compasses.
- Plotting Scales and Brass Rulers.
- Parralel Rules of Sizes.
- 2 Gunters Chains.
- One Pocket Compass.
- Elephant Paper. Writing Paper. Memorandum Books.
- Pencils.
- Indian Ink and Fungus.

G. W. EVANS, Dy. Surveyor.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 22.]

1814.
28 April.

MR. JOHN OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 27th April, 1814.

In respectfully Submitting, to Your Excellency's favorable Consideration, the following Statement of the heavy Expences attendant on the discharge of my Public Duty, and the means I humbly beg leave to suggest of defraying the Same without expence to the Crown, I entertain the firmest Conviction that you will extend to me such relief, as it may appear to You the Necessity of the Case requires, without prejudice to the Government or Individuals.

Expenses incurred in the department of surveyor-general.

The Fees* directed by His Majesty to be taken by the Surveyor General of Lands on the first Establishment of this Colony, I most humbly beg leave to Submit, Could only be intended as a remuneration for the trouble attendant on making out the Description of Farms for the purpose of being delivered to the Register, and without reference to the expences necessarily incurred in the Measurement and Survey of them; I feel warranted in drawing this Conclusion from the Circumstance of the Whole total Amount of them, being barely adequate to Pay for the Paper on which the descriptions and Rough Drafts are made out on.

The established scale of fees.

The great and Continued Extension of the Settlements, under Your Excellency's Government, have increased the Travelling Expences of myself and Deputies in a proportionate Degree, and they must still increase as the Country becomes more thickly inhabited. In the earlier Stages of the Colony, those Expences were not so much felt, The Farms laying immediately round the Principal Town, at the same time that every requisite of Carriage &c. was provided by Government.

Expenses incurred by surveyors.

By His Majesty's Commission, I am Entitled to all Salaries Fees, Perquisites, Profits and Advantages, thereunto and of right belonging or Appertaining to the Situation I have the honor to hold, but since my arrival in the Colony I have declined to take remuneration or Fee of any kind from the Persons to Whom Your Excellency has been pleased to Grant Lands, preferring to submit myself to Your Excellency's Justice and Liberality, rather than incur the imputation or Suspicion of taking more than I was legally entitled to receive.

Perquisites attached to office of surveyor-general.

I will endeavour to bring this Subject in as Simple and Concise a form as possible before the View of your Excellency.

The Number of Farms, directed to be Measured on an Average of the Three last Years, appears to be about One hundred and forty five Annually, and that the average Number of days, required to Measure and Mark them, is One Hundred and fifteen.

Average annual number of farms surveyed.

* Note 47.

1814.
28 April.

Average
annual expenses
incurred.

The Expences attendant on which are if any thing under-rated, as follows, Vizt:		
Hire of Horse and Cart, not provided by Government		
@ 10s. p. Diem	£57	10 0
Expence of Three Horses, for Surveyor and Dy. S'r General, including Cart Horse Each P. Diem 1s. . .	17	5 0
Personal Expences, Sundry Small Charges and Contin-gencies, the Whole time	35	5 0
	£100	0 0

Proposed
new schedule
of fees.

The above does not include the Number of Days employed upon the Separate Service of Government, and which is esti-mated to take upon an Average Sixty five days Annually. In submitting the following Schedule of Fees, by which the Ex-pences attendant on the Measurement of Farms to Individuals is purposed to be defrayed, I have been governed by the Fees taken by the Surveyors General in North America, Substituting, however, a Sum proportionate to the Extent of Land Granted, rather than a fixed Sum for each Square Acre of the Front Line, without reference to the Size of the Farms, as is the Practice in America, but which in this Territory might have been deemed liable to Objection; The Sum Paid in America is 2s. 6d. for every Acre in the Front Line.

	£	s.	d.
On all Grants under and not exceeding 40 Acres	0	7	6
Do. and Do. 90 "	0	10	0
Do. " Do. 190 "	0	15	0
Do. " Do. 250 "	1	0	0
Do. " Do. 350 "	1	10	0
Do. " Do. 500 "	2	0	0
Do. " Do. 750 "	2	12	6
Do. " Do. 1,000 "	3	5	0
Do. Grants or Town Leases p. foot of Street front	0	0	1
On Every hundred Acres above 1,000	0	4	0

Anticipated
average annual
amount of fees.

On the Average of One hundred and forty five Grants being made Annually, which however is a very large Estimate, those Fees will produce as follows, Vizt.

	£	s.	d.
48 Grants Each not exceeding 40 Acres	18	0	0
48 Do. Do. 90 "	24	0	0
32 Do. Do. 190 "	24	0	0
5 Do. Do. 250 "	5	0	0
4 Do. Do. 350 "	6	0	0
10 Do. Do. 750 "	26	5	0
1 Do. Do. 1,000 "	3	5	0
2 Do. Do. 2,000 "	10	10	0
	117	0	0

I trust it will be apparent to Your Excellency that, even with these additional Fees, no Single Farm Could be Measured for the Sum fixed against it as a Fee, and that it would be only from the Whole Number, being Measured and described, that remuneration could in any Shape be expected.

Being perfectly Convinced that Your Excellency is aware of the Necessity that exists for the Surveyor and Dy. S. General having Horses and Carriage, at all times ready to proceed on any Public Service, which they may respectively be Ordered to perform, I feel Satisfied that Your Excellency will afford that relief in Forage or Otherwise, that is Consistent with the Interest of the Crown and the pressure borne by the Individual.

In intreating Your Excellency's Pardon for thus so long intruding on your valuable time, I am sure you will do me the honor to believe that I am actuated by no other Motive in troubling You, but my Utter inability to defray out of my Salary the heavy and increasing expences of my Public Situation, and that the Application and Statement, I now Make, will receive that liberal Consideration and attention, which in Your Excellency's Judgment they may seem to require.

I am, &c.,

J. OXLEY, Surveyor General.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

30th April, 1814.

30 April.

1. I have been Honored with Your Lordship's Letter of the 8th of May, 1813, with the several Documents referred to therein respecting the Accounts of Mr. Fitz, late Acting Principal Commissary in this Colony.

2. In pursuance of Your Lordship's Instructions, a Letter was addressed by my Secretary on the Eighth day of Novr. 1813 to Mr. Fitz, a Copy of which accompanies the present, and the List of Queries from Your Lordship transmitted him at the same time to affix his Answers and Explanations to.

3. After a Considerable Delay Mr. Fitz, on the 25th Instant, returned the List of Queries with his Answers and Explanations to my Secretary, and accompanied it with a large Bundle of Documents in Support and Explanation of those Answers. All which papers I have now the Honor to forward for Your Lordship's Information, and for that of the Lords of the Treasury and of the Commissioners of Audit.

1814.
28 April.

Proposed forage allowance.

Inadequacy of Oxley's salary.

Despatch acknowledged.

Fitz ordered to submit a report.

Replies made by Fitz.

1814.
30 April.
Financial status
of Fitz.

4. Having made very Minute Enquiry into the real Situation and Circumstances of Mr. Fitz, as to property in this Country, to be answerable for any Balance that may be eventually declared against him in the adjusting his Public Accounts, I am sorry to Inform Your Lordship that I have much Reason to believe that Mr. Fitz is in an actual State of Insolvency, unable to pay his private Debts, and with a large Family living at present in great Poverty and Distress.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these papers are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

30th April, 1814.

1. In Consequence of the Instructions Conveyed to me in Your Lordship's Letter of the 12th of November, 1812, and in the accompanying papers from the Society of Arts, I embraced the earliest opportunity to apprise Mr. Hutchison (the Person alluded to therein) of Your Lordship's Commands, and the wish Contained in the Application of the Society of Arts. I also transmitted him Copies of the Papers received from Your Lordship, and at the same time instructed him to Commence without Loss of time on the wished for Researches and Experiments.

Hutchison
instructed
to make
experiments.

2. On Receipt of the foregoing Papers, Mr. Hutchison made several Demands of so extravagant a Nature that, Conceiving Your Lordship would not have approved of my Complying with them generally, I have declined granting many of them until I shall be Honored with Your Lordship's more special Commands. In the mean time, I have extended him such assistance as may enable him to make useful Experiments without Incurring any very weighty Expence to this Government. I do myself the Honor to transmit Your Lordship Mr. Hutchison's Letters on this occasion, with a Copy of those from my Secretary to him, and wait Your Lordship's final Instructions in regard to my furnishing his Demands *in toto*.

Demands made
by Hutchison.

3. Mr. Hutchison has enabled me to forward by the present opportunity for Your Lordship's Information, and that of the Society of Arts, the first Quarterly Report of his Experiments and Researches, made up to the 31st of March last; and I

Hutchison's
first quarterly
report.

transmit also from him to Your Lordship's Address a Box Containing Specimens of Woods and other Productions, on which those Experiments have been made.

1814.
30 April.

4. Not being Conversant with Subjects of the Nature of that now under Consideration, I do not attempt to determine how far Mr. Hutchison is Qualified for the performance of the Duties assigned him by Your Lordship at the Instance of the Society of Arts and of his Friend, Mr. Ireland; but from such Information as I have derived from others, and my own observation of his Progress and Conduct since his arrival in this Country, I am much Inclined to believe that his Knowledge and Talents have been much over rated* by the partiality of his Friends at Home. He may possibly possess some practical Knowledge of the lower Branches of the Arts in their Application to Manufactures, but, as to Scientific Principles, I apprehend he will be found very deficient. His Experiments here in the Arts of Dying and making Glass have totally failed, Altho' Commenced with all that Confidence of Success, which might be expected from one thoroughly Conversant with the Business, with some Talent for Speculation. Mr. Hutchison is so very unsteady in all his pursuits, that I can scarcely believe his Researches on any Subject will be of the least Importance to the World.

Capacity of
Hutchison
to make
researches.

Failure of
experiments.

5. The very Strong and favorable Recommendations, which Mr. Hutchison had from England and his good Conduct for the first year after his Arrival, Induced me to grant him a Conditional Pardon, whereby he became Free in the Colony, and Enabled to Commence in any Line of Business he should Chuse for his own Advantage. In Consequence of this Indulgence, He entered into a Partnership with Mr. Simeon Lord, a Merchant here, in the Manufactures of Cloth and Pottery; but in these Attempts, as well as in that of making Glass, He entirely failed, and the Partnership has been in Consequence lately dissolved, leaving Mr. Hutchison without any Employment or Visible Means of Subsistence, which Circumstances render him now very Solicitous of being Employed by this Government.

Hutchison
granted a
conditional
pardon.

Failure of
partnership
of Lord and
Hutchison.

6. The Letters, addressed by Mr. Hutchison to my Secretary, and his Quarterly Report are now sent Your Lordship in his own Hand-writing, and they will probably give Your Lordship a better Idea of what may be reasonably expected from his Researches and Chemical Experiments than any thing I could further say as to his Qualifications. I therefore transmit Your Lordship the Originals themselves.

Transmission of
original papers.

7. I beg to observe to Your Lordship that an active, Clever, Scientific Mineralogist of respectable Character would be a most

1814.
30 April.

Appointment of
a mineralogist
advocated.

Valuable Acquisition to this Colony; and I take the Liberty to recommend to Your Lordship's Consideration the Propriety of sending such a one hither with a suitable Salary and Allowances, and furnished with a proper Apparatus for the making of Chemical Experiments.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

CORRESPONDENCE WITH JOHN HUTCHISON.

[1] *Secretary Campbell to John Hutchison.*

Sir, Secretary's Office, Sydney, 3rd December, 1813.

I have it in Command from His Excellency the Governor to transmit you herewith the Accompanying Copy of a Letter* which He lately received from the Right Honble. Earl Bathurst, Secretary of State for the Colonies, with the Copies of three other Papers, which Accompanied His Lordship's.

These Several Documents, having reference to You, are now Sent for Your Information and Guidance.

Hutchison to
commence his
researches.

Agreeably to the Instructions conveyed in Lord Bathurst's Letter, The Governor desires that you will proceed with as little delay as possible to make the researches, therein proposed, in the examination of the different Woods of this Colony, which you may find applicable to the purpose of dying Cloths, and generally to explore such other of its productions, as in Your Judgment may prove beneficial either to itself or the Mother Country.

Assistance
to be granted.

The Governor is desirous to render You every reasonable facility on the part of Government in the Making of these researches and discoveries, and He wishes You to inform *Him* what assistance You will require to Enable You to prosecute them with a fair prospect of Success, without Subjecting this Government to any Material degree of Expence.

Quarterly
progress reports
to be submitted.

In Conformity with Lord Bathurst's instructions you will be required to make reports to His Excellency, quarterly in writing, of All such Experiments and discoveries, as you shall have made during the three preceeding Months; and you will Consider the first Quarter as Commencing on the first of January Next. The Memorial* of the Society of Arts, addressed to the Chancellor of the Exchequer (a Copy of which is transmitted you herewith), will define the Nature of the Reports which will be expected from You; from these Reports, His Excellency will be enabled to make the Communications to Lord Bathurst, which His Lordship has required.

Specimens to
be supplied.

Accompanying these Quarterly Reports, it will be expected that you will send the Governor Small Specimens of the different Woods and other Useful Productions of the Colony, which you

may happen to discover with their respective Names and Qualities. These Specimens you will be required to deliver in Triplicate, two for transmission by different Opportunities to England, and the third to remain in the Governor's Own Office.

1814.
30 April.

Your first report should be made up to the 31st March Next, and delivered as soon after with the required Specimens as possible. If you have already made any Useful or important discoveries or experiments in the line pointed out in the Memorial of the Society of Arts since your Arrival in the Country, The Governor expects that you will make Him a regular report thereon in Writing, with Such Specimens as may tend to prove their importance; this report should be made up to the present date.

Reports to be submitted.

I am, &c.,

JNO. THOS. CAMPBELL, Secy.

[2] *John Hutchison to Secretary Campbell.*

Sir,

Sydney, 7th December, 1813.

I have to acknowledge the receipt of your Letter of the 3d Instant transmitting to me His Excellency's Commands with the papers therein mentioned and Note the Contents.

You will therefore be pleased to inform His Excellency that the researches therein mention'd have already been carried into Execution in this Quarter; but from the Want of a Mechanical Power, Chymical Apparatus, Agents, and Re-agents, it has not been, nor is it in my power to reduce the same into a tangeable Shape, sufficiently Correct and accurate to make such an Official Report to His Excellency thereon, as is *expected* by the *Society of Arts* and His Majesty's Government.

Researches partly completed.

You will also be pleased to inform His Excellency that I have also Obtain'd almost every Colour, and chiefly of Mineral Substances, of the produce of this Colony for Oil Painting, and Suitable for almost every useful purpose, and I hope from a great many experiments I have made on the fish Oil of those Seas to be able to Clarify and refine it, so as to substitute it in part, if not altogether, for the Vegetable drying oils we receive from Europe, but on none of those Subjects am I prepared to speak positively or Correctly.

Discovery of colours for paints reported.

The assistance I should require to carry into effect the wishes of His Majesty's Government and the Society of Arts, I should wish for Several reasons to be only temporary and by way of a Loan to be repaid by me at a future day. First, because that it would put out of the power of the busy and Malicious part of the World to say I was imposing on His Excellency and His Majesty's Government, in-as-much as that if I make no useful discoveries I shall not be entitled to any reward. Secondly, they have no

Temporary assistance only required.

1814.
30 April.

Idea at Home of the enormous expence it requires here to bring any thing new forward, and especially in this way, for was I to charge for every Article that I might consider it necessary to purchase, or those articles not being to be had, then for Experiments for Substitutes for those purposes (which in Justice to myself I should be bound to do) they would set it down as a Compleat imposition.

Erection of
water-mill
proposed.

Laboratory
and appliances
required.

The first and Main Spring of the whole is to enable me to Erect the Water Mill on that Stream of Water on the Botany Bay Road, recognized by me as likely to answer that purpose and promised me by His Excellency on my first Arrival in this Country, on which I should Erect Grinding and Rasping Machinery to answer the Several proposed purposes. Secondly, a clear and open piece of Ground at a short distance from Town, where the Furnaces and Smell may not prove a Nuisance, and where there is good Soft Water with a Shell of a House for a Laboratory, Containing different Appartments necessary for the Various Classes of Chymical Operations; the principal apartment will require to be 24 by 16 feet, open to the Roof to allow the escape of Suffocating Vapours, also fixd and Portable Furnaces to be placed in the same room, with 4 small bodies, One of Iron, One Copper, One Lead, and One Pure Tin, with Several Smaller Pans of different descriptions, a double Cross table with drawers in the Center of the Room and Shelves round a certain part of the room to hold bottles, etc. Another room (small size) appropriate to the ascertaining the Chymical Affinities of Liquids, Precipitations and Processes that merely require the heat of a Lamp. Another Small room, with Accurate ballances, beams, and Scales of Various Sizes and Weights from seven pounds down to the Minute fraction of a Grain; One Copper Still (the one I had out of His Majesty's Stores, now at Mr. Lord's, will answer extremely well) 2 Earthern Ware Stills of certain descriptions (those I can make) and the Several Chymecal Agents mention'd in the Accompanying list, which I presume may be obtain'd from the Medical Department.

In any Communications to His Excellency (which are to be Consider'd as Official and to be transmitted to England) I beg to use the New terms in Chymestry in place of those in Common use.

I have, &c.,

J. HUTCHISON.

[Sub-enclosure.]

CHYMICAL AGENTS.

Requisition for
"chymical
agents."

OIL of Vitriol; Spirits of Salts; Aqua Fortes; White Wine Vinegar; Spirits of Wine; Spirits of Turpentine; Vegetable, Mineral and Volatile Alkalies; Alum; Nitre; Sulphur; Borax;

Antimony; Tartar Orpiment Arsenic; Blue, Green and White Vitriols; White, red and Sugar of Lead; Verdegris and a small proportion of all the Metals that can be obtain'd here in their greatest purity.

1814.
30 April.
Requisition for
"chymical
agents."

Also:

2 Glass retorts with receivers; a few Graduated Glasses in Drahms, Ounces and Pints; a few Deep Ale Glasses and Viols of Sizes; Some Glass and Earthenware Evaporating Dishes; Glass rods and Spoons, and Pestles and Mortars of different Materials.

Chemical
appliances
required.

There are several Articles for Solutions and ascertaining the Specific Gravities of different Liquids and for dividing the heavy from the light, but perhaps they are not to be had in this Country.

Stationary will be wanting to make regular entries of Chymical Operations, and filtering papers, as also to make official Communications relating thereto.

[3] *Secretary Campbell to John Hutchison.*

Sir, Secretary's Office, Sydney, 8th Decemb'r, 1813.

I have to acknowledge the receipt of your Letter of Yesterday's date, with the List of Chymical Agents referred to therein.

Having Submitted this Letter to His Excellency the Governor, I have it in Command to inform you that the extent of the demand, made by you for assistance to Carry on Your Researches and Experiments in the Chymical Way, is on so very great and expensive a Scale that His Excellency does not feel that He would be justified in Complying with it, Until He shall have first submitted it to His Majesty's Ministers and obtained their Authority for so doing, and He will accordingly transmit Your Letter and Demand to them by the first good Opportunity.

Refusal of
Hutchison's
requisitions.

The Governor does not Conceive that it was in Contemplation with His Majesty's Ministers or the Society of Arts, when they wrote respecting You, that the Government should incur so very great an Expence on these Experiments, which might eventually prove of no real Service Either to the Mother Country or to this Colony, as that which must Necessary arise out of a Compliance with your Demand. On the Contrary, He is inclined to believe that all, that was intended by His Majesty's Ministers, was to render you Assistance on a very moderate and limited Scale. This might be Considered as Comprizing the Service of a few Men and the Use of some Common Tools, which might be Necessary to Enable You to discover such Wood and Minerals, as you might deem of Sufficient Value to be sent to England, to be there analized, or such Experiments made on them by Competent persons as would ascertain their true Value and importance.

Macquarie
unwilling to
incur heavy
expense.

1814.
30 April.

Viewing the Business in this light, The Governor does not feel himself warranted in Making you any Pecuniary Advances on the Part of Government, either as a Loan or Otherwise, Until He shall receive particular Instructions to that Effect.

Reasonable
assistance to
be granted.

In the Mean time, His Excellency is willing to render You Such Assistance in Your researches and pursuits, as I have already alluded to in this Letter, whenever you shall Point Out the line in which you purpose to apply it.

Report to be
made on past
researches.

Having Stated in Your Letter of Yesterday that your researches "have been already Carried into Execution *in this Quarter*," The Governor expects that you will furnish Him in Triplicate with the Specimens, or results of those researches, that He may have it in His Power to transmit them with Your descriptions and Names to His Majesty's Ministers.

I am, &c.,

JNO. THOS. CAMPBELL, Secy.

[4] *John Hutchison to Secretary Campbell.*

Sir,

Sydney, 10th Decr., 1813.

I have duly received your letter of the 8th Inst. and observe the contents.

In reply to which, I beg you will have the goodness to Submit to His Excellency the Governor how I am situated with respect to making my reports as aluded too therein,

Chemical agents
imported by
Hutchison.

Which is as follows: When I came first into this Country, I brought with me almost every Article, mentioned in my Abstracted list of Chymical agents inclosed to You in my letter of the 6th Instant, Which altogether cost me about £25. All my experiements, Since I came here, was chiefly at Mr. Lord's, where I took all the chymical agents. All my Observations was on Manuscript in My Private drawer in the Warehouse. These, with all my Chymical Agents not used and some of the Principal Kinde, Sufficient to last me a length of time, with Pans, Glasses, etc., etc., he refuses to give me up; So that, except Some Spirits of Salts, Pure Tin, and Nitre, I am not possessed of a Single article to Make these experiements again.

Results of
researches
impounded
by Lord.

I had every reason to expect, when he was served with the decree of the court of civil Jurisdiction, I should recover these papers and chymical agents, but am sorry to find it the contrary, As he neither will bring in the books and papers to the Court House, to be Settled as ordered by Mr. Bent, Stop the Machinery, or give an account of the Effects of the Concern, to My great loss and almost ruien. And never could I feel the loss so much as I do at this moment, when it puts it out of my power to

Comply with His Excellency the Governor's orders and wishes, for which I feel a respect and reverence no Language can express.

1814.
30 April.

In Order to Meet His Excellency the Governor's views as soon as possible by commencing a Series of new experiements, and as far as it is within my power to put into execution His Excellency orders, I have applied to a friend for that pecuniary assistance I may require to be able to meet His Excellency Expectations and Approbation, which I hold dearer than the Slender tenor of this life itself.

Pecuniary
assistance
sought.

And for His Excellency the Governors Humane and past Goodness to me, I beg, Good Sir, you will Have the Condescension to assure His Excellency the Governor I shall feel truly gratefull, while life and Memory remains.

And all, that I beg thro you to entreat of His Excellency on the part of Government, is to allow me what few chymical agents I may want, even for *payment*, and that they do not interfere with the wants of Governments.

Request to be
provided with
chemicals.

And by the Assistance graciously promised Me by His Excellency the Governor, in yours of the 8th Inst., of Men and tools, I shall proceed imediately to erect all the Necessary Machinery for grinding the Barks, Woods, and Mineral Substances, after the latter has been Calcin'd with Suitable furnaces, etc. etc., which is absolutely Necessary to ensure Success or Correctness in my Opporations, And at my own Expence carry effectually into execution His Excellency the Governor's Commands.

Machinery
to be erected.

And should there be Sufficient power, I will erect a pair of Stones for grinding flour, or carrying on any other business, which will prevent me becomeing a burthen to Government by a Salary or otherwise; And for the repaying the money I am borrowing, As also to enable me to be competent to do with the Mode of Assistance, Pointed out by His Excellency, And at the Same time to Meet his approbation in My researches.

Proposed
flour-mill.

Another great reason, I have to entreat His Excellency the Governor will in His Usual Condescending goodness and consideration Permit me, till the 31st of March, to Make up my report from having all my former experiements to go over again, As I have a anxious wish that, what I have in Contemplation to make up, may be done Correctly for the credit of my friends as well as for my own good.

Time required
to make report.

I have, &c.,

JOHN HUTCHISON.

[5] *Secretary Campbell to John Hutchison.*

Sir, Secretary's Office, Sydney, 11th Decemb'r, 1813.

Having submitted Your Letter of Yesterday's date to His Excellency the Governor, I have now to Convey to You His Sentiments thereon.

1814.
30 April.

No elaborate
research by
Hutchison
required.

Collections
of natural
products to
be made.

The Preparations, which you still seem desirous of making for the Entering upon a Series of Chymical Experiments, induce His Excellency again to repeat that the Elaborate and Expensive processes of Chymistry are neither Sought for or required at your hands.

From the practical knowledge which you have been supposed to possess, it was His Excellency's Wish in Conformity with the Instructions of the Secretary of State for the Colonies that you Should Employ Yourself in the Collecting and Classing Such Woods and other Natural productions of this Country, as bear the external Marks of being Useful either as Dyes or Otherwise. Collections of this kind Made judiciously might prove of reciprocal benefit both to the Mother Country and to this Colony also. The Experiments, necessary for the ascertaining *all* the beneficial Qualities of such Collections, must be left for the present to be made at home under the directions of His Majesty's Ministers.

His Excellency was induced to suppose from Your Letter of the 3d Inst. that you were prepared to make Him a return of the result of your researches heretofore, as you Stated that they were already "Carried into Execution in this Quarter."

Elaborate
researches
discouraged.

To facilitate Your Researches in the manner already described, His Excellency will give You Such Assistance as He has already promised You, but you are fully to understand that the Unnecessary Expences of Chymical Operations He will not Authorize or Contribute to on the part of Government, and therefore He advises You to avoid them altogether.

I am, &c.,

JNO. THOS. CAMPBELL, Secy.

[6] *John Hutchison to Secretary Campbell.*

Sir,

Sydney, 16th Decr., 1813.

Yours of the 11th Inst. I was duly honor'd with on the same day; His Excellency the Governor's observations thereon, I have duly considered.

Necessity for
practical
experiments.

And in reply beg to observe that, However great a Man's practical Knowledge May be, He is incapable of Saying correctly How fare a Animal or Vegetable Substance is likely to prove usefull in the oils without first proveing them, and none capable of proveing them would even Hazard a oppinion on such a Subject Publicly without first doing so.

His Excellency the Governor appears anxious that a Early report should be made.

Report to be
submitted.

You will, therefore, be pleased to inform His Excellency I shall make my first to a certain extent, as soon after the 31st of this present Month of Decr. as possible, as directed in yours

of the 3 In't., to accomplish which I should want the assistance of three Men with the following articles. One Man well acquainted in the bush would be of great Service. This you will submit for His Excellency approbation. 1814.
30 April.

I remain, &c.,

JOHN HUTCHISON.

Articles Wanted:—a Pockett Compass; the use of a boat; Spade and Shovell; Pick Axe, wood axe and 2 Joining Hawks; A cross cut Saw, hand Saw, and files; 2 Spike Gimblets; 1½ Inch agre; Long Shank. Requisition
for tools.

[7] *Secretary Campbell to John Hutchison.*

Sir, Secretary's Office, Sydney, 22nd Decemb'r, 1813.

I have it in Command from His Excellency the Governor to inform you, In Answer to the Application made in Your Letter of the 16th Inst., that Three Men on the Stores will be assigned to You to enable you to proceed in Your researches and Discoveries, so soon as a Ship shall arrive with Male Convicts, And that such of the Articles as the Government Stores Can Supply, and which you have made a requisition for, will be furnished you when you shall be ready in other respects to make use of them. Assigned
servants and
tools to be
supplied.

In the Mean time Men Cannot be Spared, and a Boat Cannot be at all granted; Neither does His Excellency Consider that any Object of importance Could be effected by your having One. Refusal of
request for
a boat.

It will be Necessary on Your receiving Men to state where and how you mean to employ them.

I am, &c.,

JNO. THOS. CAMPBELL, Secy.

[8] *John Hutchison to Secretary Campbell.*

Sir, Sydney, 28th Feby., 1814.

Haveing now everything ready for the Employing the Men given Me by His Excellency the Governor from the last ship, except the want of the following tools; I Beg, Sir, you will have the goodness to Move His Excellency the Governor for a order for them from His Majesty's Stores, According to the tenor of your last letter on this Subject. Tools required.

I have, &c.,

J. HUTCHISON.

1 One Inch Oger; 1 1½ Inch Oger; 1 1 Inch Gourage and chisel. For tapping certain trees to extract their gummy Resinous Saps. Should there Saps be so sett as not to run at this season of the year, I will be under the necessity of cutting them List of tools.

1814.
30 April.

down and exposing them to a strong heat in a furnace on a particular construction for that purpose.

1 Cross cut Saw and files; 2 Axes and one Joining Hawk; 1 Spade and Shovel; 1 Pick axe; 1 Trowel. J.H.

[9] *Secretary Campbell to John Hutchison.*

Sir, Secretary's Office, Sydney, 2d March, 1814.

Order for
issue of tools
required.

I transmit you herewith An Order from His Excellency the Governor to D. Allan Esqr., the Deputy Commissary General, to furnish you with all the Articles from the Government Stores (without payment), which you solicited to be furnished with in your Letter of the 28th Ult., to Enable You to Proceed in Your researches among the various Natural Productions of this Colony.

I am, &c.,

JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

JOHN HUTCHISON TO GOVERNOR MACQUARIE.*

Sir, Sydney, 31st March, 1814.

John
Hutchison's
report on his
researches.

Agreeable to Your Excellency's Instructions of the 3d December last to me, I herewith transmit you my observations and Experiments on the Natural productions of New South Wales, as far as I have been able, Conformable thereto up to this period.

My former Experiments on a Wood, which I was informed was one of the Species of the New South Wales Oak, led me, as soon as I came to the Colony, thro' a Series of Experiments upon all the Woods for more Clearly Demonstrating my former Ideas and Views.

The Wood, I first used in England, I find is what we Call the Beef Wood, of a very heavy hard Texture, and from the result of some Thousands of Experiments on Woods, Roots, and Barks, I am led to Conclude from the following Circumstances.

First.—That tho' this Wood, as well as many others possesses a great deal of the Astringent Principle, yet from its great hardness it would be scarcely possible to grind it to a powder, and from its great Weight, no Ship could Carry Such a Quantity, but what would cause it to Amount to a Prohibition in the price before it was fit for the Dyer's Use; because I find, when it is even reduced to a very fine State, it requires a great deal of Boiling, which at first I Considered would not be the Case. However disheartening the results of these Experiments Appeared to my former Expectations, the result of a Second on the Bark of Certain Trees proved doubly satisfactory.

For they not only possess double the Quantity of the Astringent principle, but the great Ease with which they are Col-

* Note 48.

lected, ground, and the little Boiling they require to extract their Virtues, makes them a very desirable Article for that purpose.

1814.
30 April.

John
Hutchison's
report on his
researches.

It is not simply upon a temporary Course of Experiments I speak, but from Eighteen Months Constant and daily Use of them in Dying Woolen, Silk and Cotton Goods of all Kinds and in no Instance had I to lament the Want of Galls or Sumack.

I have made the most durable and beautiful black to be Used with a Block or Cylinder by boiling one pound and a half of Blue Gum Bark No. 1, and half a pound of Logwood together in a Gallon of Water for one hour, keeping up the quantity of Liquor, and straining it thro' a Cloth, adding to it while hot half a pound of Sulphat of Iron, and half a pint of Nitre of Iron, and thickning it with brown Sugar in place of Gum, Such has produced a full shining black for printing. I tried it Night and Day by exposing it to the Action of the Weather, and also by Washing it with Soap and Water, which test very little diminished the Intensity of its Colour; And by the following Way, I obtained a very fine black Ink; I boiled half a pound of the Blue Gum Bark, and a Quarter of a pound of Logwood, in one Gallon and a half of soft Rain Water, until the one half of the Liquor was Evaporated; I strained it thro' a Cloth and put into it while hot four ounces of Sulphat of Iron, one Ounce of Sulphat of Copper, two ounces of peach tree Gum, and two Ounces of Sugar Candy, and stirred them well together and let them settle for twelve hours; I took a Solution of Blue Gum Bark, and with a Clear Solution of Sulphat of Iron, I saturated it until it became no longer any blacker; at this time it was a jet black and no precipitate took place; I added more of the Solution of the Sulphat of Iron, and a copious Sapphire blue precipitate took place; I was not possessed of proper Beams Scales and Weights, or I should have Ascertained exactly the quantity of Sulphat of Iron, it took to decompose the Solution of Blue Gum Bark and also the Weight of the precipitate I obtained by largely diluting it with Water, as I have always found that accordingly it required that proportion to give it a good black, or any Colour depending upon the Astringent principle.

A Solution of the Red Gum Bark No. 2 was Acted upon in a Similar Manner, with a Clear Solution of the Sulphat of Iron, but I do not think it required so much to Saturate it as the Blue Gum Bark, nor was there so Copious a precipitate ensued, altho' with equal attendant Circumstances, and would answer to be wrought together. The White Gum Bark as near the last as possible in every respect.

1814.
30 April.

John
Hutchison's
report on his
researches.

The Bastard Box Bark No. 4, which is very thick and hard, I think requires more than any of the others of the Solution of the Sulphat of Iron to decompose it, and appears of a heavier darker Colour than any of the others; all the rest of the bark Liquors, when the Goods are Wrought of them by a Solution of Iron, are of the most beautiful Slate blue Cast I ever saw; The Goods, when Wrought thro' the Bastard Box Bark Liquor, and thro' a Solution of Sulphat of Iron, is of a dark Mud Colour, and a great more leading to a black as well as the Precipitate, and when both are exposed to the Action of the Air, the last sooner becomes a dark full black; but all of them are Acted upon in a Similar Manner, by Exposure to the Action of the Atmosphere for some time; I need scarcely add that with the Yellow Wood also sent these Barks produce olives of all Shades, And with Logwood Annatta, or a little China Liquor, Drabs of every Shade will be produced with equal facility as with Galls or Sumack.

I have also found that the tools, I use to take off the Barks, was so Acted upon, as to turn the Edges of them a dark blue black, which nothing but the Grindstone or Constant Wear could remove; And also all these Woods, in which I have found the greatest preparation of the Astringent Principle, upon throwing them into the fire became Completely black, and scarcely to be burnt at all, and if by the great inflamability of other Woods or the great Draught of Furnace or Fire they are destroyed (I cannot say Consumed) they will be found in the Ash Pitt in Lumps of Charcoal about the Size of Wall Nuts, while the rest of the Inflamable Woods produce fine White Ashes, possessing great Quantities of the Vegetable Alkiline Salts; from this I am led to Conclude that the Basis of the Astringent principle is Charcoal, and the same as the Indistructability of the Indigo Colouring Matter, and upon the same principle.

I find that along with Astringent Principle, these Barks all in a greater or lesser degree possess the Tanning principle. I took a Solution of them and added thereto a dilute Solution of Glue in Water, which at first becomes of a thick Whitish Colour; by Adding more it decomposes the Whole, And a Copious Buff Brown precipitate takes place, the exact Colour of a Well tann'd Leather, and this I consider as the true powder of Leather. I also find that the Tanning Principle is more Solueable than the Astringent, and that by pounding the Bark fine, and putting it into a Tubb, and in twelve hours drawing it of, and continuing to add more Water, until the Solution of Glue no longer Changed its Colour to a White, that this Extracted

all the tanning principle; and that by boiling the Bark that was thus treated, a Solution of Sulphat of Iron Acted upon it in a Similar Manner as before, and afforded as near as possible as Copious a Sapphire blue precipitate. These Circumstances have led me to Imagine it practicable to obtain the two different Substances in a Concentrated State, And that it is possible to obtain their Virtues in a Similar Manner to that which Indigo is Extracted, precipitated, and Exported; such a Circumstance would be of great Importance and Consequence from such a distant part of the World as this.

1814.
30 April.

John
Hutchison's
report on his
researches.

I beg to observe here that I have found a great Alteration in these Barks, According to the Manner I have Used them. In the fines they have been ground, Also According to the time I have had them off the Woods, their Dryness, the length of time I have boiled them, And also the kinds and Qualities of the Water I have boiled them in, all these Circumstances have altered their Chymical phenomena and Qualities in a greater or lesser degree.

From all these Experiments I am led to Conclude that these Barks may be used with every Advantage in Dying, Printing &c. in place of Sumacks or Galls, and that such a transfer of Trade would be of the first and greatest Consequence to this Colony, as I Consider that Gall and Summack must Cost the United Kingdom at least from One Hundred to One Hundred and Fifty Thousand pounds per Annum, which would go a great Way towards paying for every Article of European Manufactory Necessary for it, as there are every means of Grinding and Casking them in a proper Manner for a European Market.

I beg now to turn my Ideas to the Green Wattle Bark No. 5. Its Value I conceive is in its Tanning principle, the Abundance of which perhaps exceeds any thing ever sent to Europe. I am Convinced it would pay well to send to England ground and put up in Casks, if no other Mode was practicable which I still trust is. It also possesses a great deal of the Astringent, and I have often Used it in Dying. I find also that almost every Kind of Root possesses a great proportion of the Tanning Principle, particularly the Young Roots, Twigs, Roots and Leaves of the said Wattle, but also the Roots of some Hundred of Vegetables possess it in a most imminent degree.

I have made some hundred Experiments of the Tanning Substance to find out the most proper precipitate in order to make an Experiment on the Tanning Substance in this State. I find that the Tanning principle is precipitated from all the Acids from its Watry Menstrua, as well as an Animal Jelly as before mentioned, and also that the following Salts with Metallic and Earthy Bases also precipitated Tan (Viz.) the Muriate of Tin,

1814.
30 April.

John
Hutchison's
report on his
researches.

and Acitrate of Lead, the Carbonate of Pot Ash, and Nitrat of Lime, but which of these is most likely to answer the purpose I cannot say. However if such a thing is practicable and put in Execution there would be sufficient of this Valuable Article to be obtained here and at a reasonable rate for the demands of Great Britain; but the practicability of this New System I leave to the Decision of other and better Judges; and I only beg that my Wish for such an Experiment may be placed to the proper Account, which is the Welfare and prosperity of this rising Colony, as well as that of the Mother Country.

On the Fustick of New South Wales.

Any Wood of this kind, I have ever seen, appears Evidently to me to be of a different Sort from that we receive from the West Indies, the last belong to a very large Tree, this appears to belong to something of the Shrub Kind, as the pieces I now send are some of the largest of the Kind I have seen and are in general Covered with White Wood on the Article upwards of One Inch thick, often more of the last than the Colouring Matter; but I must Confess that the one Pound of the Clean Colouring Wood of this Shrub possesses more Colouring matter than one pound of Fustick of Tobago. Its Qualities appear to me to be very near Similar the same Mordants in the Art of Dying, has the same effect and answers the same purposes, but I do not think that this will ever Answer to Send to Europe, as the other Wood is always to be got at such a reasonable Rate; And from what I can learn the Quantities to be got would be of no Consequence. This I do not Speak from my own Knowledge never having been where it grows, Which is Newcastle.

About Six Months since I met with a quantity of Flax from New Zealand, most beautifully drest, in which there was an Orange, Yellow, black and brown Colour, the brilliancy of these Colours and the fire naturally in them, surpassed any thing of the Kind I ever saw; the Black was a little Affected, and tender by the Article, but the others Surpassed any Colours I have ever dyed.

The best Information I could get on the Subject was that the Natives Cut a Hole in the Trees, and the Saps soon filled these Holes in which they Dip'd their Flax and Exposed it to the Air alternately, until they produced the Shade desired; others say that they use Salt Water to Wash it after Dying, from this I am led to conclude that the Yellow and Orange was from the same tree only—the Use of Salt Water in the latter operation; the Black must be from a Tree possessing a great proportion of the

Astringent principle, and perhaps with making the Whole with old Rusty Iron hoops the Oxhyd of Iron will fall of in quantities, and be dissolved by the Astringent Principle, as I find the using any kind of Iron Instrument in taking of the Blue Gum Bark attacks it with Violence and Strikes the Tool Blue Black; these are Simply my own Ideas and not from any positive Knowledge that I speak.

However what I have seen of these Colours leads me to Wish to make an Excursion thro' every part of that Settlement, if I could with Safety, not only on Account of the Woods, but on Account as some other Natural productions of that Island which I have seen.

It was in the beginning of June, 1813, I first took Notice of a Small Shrub of the Reptile Kind; it was then entirely Covered with pods, in such Numbers as quite surprized me, those nearest the top of the Branches were not quite as black as the rest but of a greenish Cast. However in ten days they became equally as dark as the others; at this time the Shrub appeared quite dead. It was then the Depth of Winter; after a great deal of Enquiry respecting this plant but of which I could get no Satisfactory Answer, I Concluded that Nature intended Something more than Ornament as they appeared so Extraordinary Prolific, as I observed as early as the beginning of August fresh Shoots three Inches long beginning to form for Blossom, and by the latter end of August it was entirely Covered with beautiful Yellow flowers, the same Shape as a Pea flower; and by the end of September there were some Hundreds of Pods full grown, each pod about three Inches long with a double row of Seeds, Containing in all about Sixty in each Pod; about this time there were as many pods about the Size of a large Needle, and grown the full length, and as many Blossoms still upon the Shrub; the Vine still Continuing growing and fresh flowers in Succession Continuing to blow: The wood that bore last Year fell into decay and broke of at the same joint or Knot where the fresh bearing Wood Sprung from this Year. I now, when too late, began to Collect the few remaining Seeds of last Years Growth which still hung on the old Decayed Wood; from some Experiments I made on the few Seeds I could Collect I was satisfied they possessed a large quantity of Oil. In the beginning of August I had transplanted about twelve plants that had sprung about the Root of the old Shrub into new Ground, for the purpose of ascertaining the time they took to begin to bear the Seeds; they were first come above the Ground when I moved them, which Seeds I conceive had fallen from the Earliest Ripe Pods, About one half went back and the other half grew very

1814.
30 April.

John
Hutchison's
report on his
researches.

1814.
30 April.
—
John
Hutchison's
report on his
researches.

finely, and against the beginning of November began to show for Blossom, and by the middle of December these first Pods were got to full Size, and has the same as the old Trees Continued to Spring and Blossom and the Seeds ripen in regular Succession; and at this time both old and Young Trees are in full Blossom and will Continue so thro' this Month of May, and I am Confident that one Shrub will produce nearly 4 Galls. to 5 Gallons of Seeds. The Seeds I look upon it ought to be Sown about the beginning of February; they then get above the Ground well before the Cold Evenings set in, for I observed that those plants I had transplanted the early and Strong Vines Came forwards, and the young weak ones decayed. At first when they are transplanted they ought to be Set at the distance of three feet Apart. Early in the Spring of the third Year every other plant should be taken out and put into New Ground at 2 Yards distance so that the original plants will cover double the Ground.

I will now state the Experiment I made to get a little of the Oil, but from not being able to procure a proper piece of Canvas to make a Bag, and the Want of a Sufficient power in the press I made which was Simply an Inch and a half Screw, I run them through a Coffee Mill, and put them into a small Canvas Bag about half full; I then put them into the Steam of Boiling Water for three hours in Consequence of their Extreme hardness, in which time they Swelled so much as to burst the Bag they were enclosed in; I was then under the necessity of getting a piece of Bengal Canvas, which is too close in its Texture for such a press as I had to Act upon it, and in Consequence could only get a little of the most fluid part of the Oil. Its appearance was very much like the Linseed Oil, of a Yellowish, Greenish Cast, very thick and Strong, and if when I rubbed a small quantity on a piece of Wood very soon Sunk into it, and became dry; it also dry'd on my hands like a Cement, which leads me to think it partakes very much of the qualities of the above mentioned oil. The Quantity was so small, I could put it thro' no more Tests, as my press was so deficient in power that I was not able to extract the twentieth part from the Seeds. In short I look upon that Shrub a most Valuable Article for the Settler to Cultivate, and from the great quantity of Horses in the Country and now at a very Cheap rate will enable the Farmer to Cultivate doubly the Quantity of Land with the same Hands; Consequently the Consumption of Grain will not be in proportion to the Land under Cultivation, and therefore leaves room for the Growing of this Valuable Shrub; and will not only pay the farmer well, but also prove a most Acceptable remittance

for the Merchant and a fresh Source of a most Valuable Article for the Mother Country as well as for the Internal Wants of the Colony.

1814.
30 April.

John
Hutchison's
report on his
researches.

At the same time I now send a quantity of Tobacco Seeds, which I grew in my Garden; it thrives most Luxuriantly in this Climate, and I am inclined to think will become an Article much Cultivated at no very distant period, the Quantity Consumed in the Colony being immense and in general at a very Exorbitant price; I have seen some growing on the Banks of the Hawkesbury which surpassed any thing I ever Could Expect; there were from 12 to 15 Leaves on each plant the shortest was 3 feet long and 6 Inches Wide, of the lower ones some were upwards of 4 feet and 9 and 12 Inches Wide, and then not near their Growth; I should not be surprized to see this Article one of the Staple Commodities in the Colony for Exportation.

On the Manufacture of the Mineral and Vegetable Alkalie, all Around this Settlement there are large and Extensive Bays, running a long Way into the Land, and in high Tides Covering a great many Thousand Acres of Land, which at other times are dry, at least they are not the one half of their time Covered with Water; Upon these Swamps or Meadows there is immense foliage of very Strong Blady Grass with great quantities of Shrubs and Vegetables of various Kinds which grow most Luxuriantly, and if Cut would produce three Crops Yearly, these about half dry and burned in a Kiln give a very great quantity of the Mineral Alkalie or Soda; the Accompanying Specimens I made from the Ashes of such Vegetable by the following process; I took the White Ashes and put them into a Tub furnish'd with a Cock and fawcet about three Inches from the bottom; I put a Quantity of Twigs and Straw at the bottom, and for every layer of Ashes I put in I dampt it well with Boiling Water; I Covered the Vat well up all Night, and in the Morning fill'd it up with Water; in two hours I began to draw it off and Continued adding more Water, until I had all the Alkaline Salt drawn therefrom; I put it into a Copper and Boiled it down; in short I kept Boiling and Adding all the time until it began to get a little thick; I then put a large fire under an Iron Pot, and put the Concentrated Alkaline Liquor little by Little, and when the pot Acquired a proper heat it Chrystalized with a Quickness scarcely Credible, and upon Weighing my Soda I am Confident I did not lose more than $\frac{1}{3}$ from what there was of Ashes; from the great quantity of Bays Around the Simplicity of the Operation and the little Expence Necessary to Carry it on, a little trouble would Establish a great and Constant Supply of

1814.
30 April.

John
Hutchison's
report on his
researches.

this Article so very Valuable and Necessary for Great Britain, as she is dependant for it upon other Nations generally at War with us.

And with respect to the Vegetable Alkali, any quantity of the quality might be produced with great Advantage to the Settler, who, if he was to give about three times as much to the people who fall their timber and burn it off, they could afford to Cut it up in Pieces that with a Timber Carriage could be drawn and burnt in a proper Manner for the Making of Pot Ash, and from the Simplicity of the operation any person could Conduct it after one Week; by these means the Alkali would far more than pay the Expence of Clearing, so that he gains the profit of Clearing his Lands as well as raising a Capital from the produce of them to purchase every Article he may stand in need of of European Manufacture, which nothing will procure here at present but Sterling Money or Wool, and also furnishing a Valuable Remittance for the Merchant the Want of which is very much felt at present. There is good Timber for making Casks of any kind either Dry or Wet, a great many of the former I have got made for flour, And No American Timber is Superior; as well as a Kind of White Hazel for Hoops of a most Excellent Quality, those I had made Cost £2 Currency for making and bending Hoops, or the Cooper would have found Timber of every Kind, Split it himself, and Hoops likewise at £3 Sterling per Ton, 8 Casks were to the Ton, and each would hold 3 Cwt. of flour so that we are possessed of everything fitted for an Extensive Trade at no great period.

On my Arrival in the Colony I was enabled thro' the humanity of Your Excellency to form a Connection with a House in the Mercantile and Manufacturing Line. Amongst other Businesses we were to Carry on was that of Wool Stapling and the Manufacturing those Coarse Wools which would not pay the Expence of Exportation; the prices we then gave were three pence, fourpence, and some Choice Clips, Six pence a pound Currency, the premium of which at that time was from 20 to 30 Pr. Cent. We Continued to purchase all the Wool we Could for 12 Months; the finest Sort we Sent to England, And in the mean time I Erected a Machine Called a Devil, 24 Inches over with fancy Rollers, 1 Billy, 36 Spindles, 2 Jennies, 60 Spindles, 2 Pr. Narrow Looms, and one Pr. 12 Quarter Looms for Blankets, and with a Carding Machine 24 Inches over with fancy Rollers; but this was not quite finish'd when I quitted that Concern, that is every thing was made but not fitted up. I had also Completed an Excellent Set of Wire drawing Tools, so that I could have made as good Wire as any

in England for Cards, the producing proper plates to draw down the Wire from No. 1 to 36 was a task that gave me more trouble than any one thing I ever undertook in this Colony. However thro' determined perseverance I Succeeded Completely. I also made a Set of Tools for making of Cards, and altho' the Man I employed to make them never saw a thing of the Kind, Yet he soon afterwards began to Work very well with a little assistance. But the Mysterious and Unaccountable Conduct of one of my Copartners left me No Alternative but to petition the Court of Civil Jurisdiction to Dissolve the Articles of Copartnership, so that the Concerns are now in a State of Stagnation. The Carding Engine, the Main Spring of the Work is in the same State as it was (altho' Nine Months has since elapsed) and I fear will remain so. We had also a pair of Stocks for Milling by hand until the Water power Could be got ready. In the latter part of my time we Could Card with 4 Pr. of Hand Stock Cards 5 Inches long and 18 wide about 200 lbs. of Wool in a Week. There were two of our Men would Card about 60 lbs. Each, and 2 about 40 lb. Each, and in the same time Could make 2 pieces of wide Blankets, 36 Yards Each and 3 pieces of Narrow Cloth such as would bring about 3s. 6d. or 4s. Pr. Yard in Huddersfield Hall, and fit for the Working Class of People to Wear. The Cloth we Sold from 5s. to 6s. Sterling per Yard and the Wide Blankets at 30s. Sterling Pr. Pair Hammock Blankets at the one half.

But for want of fullers Earth and good Soap, the Scouring and Milling was attended with a great deal of Trouble and Expence, and I never could do it to my Satisfaction; the Inconvenience Suffered in the Scouring was that the Soap we got from Bengal is so Completely over Saturated of Soda that it rendered the Cloth and Blankets so Hask and Hard after Coming out, that I have sometimes scarcely believed it to be the same piece; and the Soap made here at 2s. or 2s. 6d. pr. lb. brought on a heavy Tax on the Making, and even that did not Scour Well. After Various Experiments to find a Remedy for these Evils, The following (Altho' I have not tried it in a large Way) Answers to Admiration in Washing either Cotton or Woolen Goods I scraped the White Ashes from under the Grate and Sifted them with about the 20th part of Quick Lime the Evening before I put them into a Tub with a Spiggot and Fawcett about three Inches from the Bottom; in every 3 Inches I put in of Lime and Ashes; I sprinkled it well with Boiling Water; and in the Morning filled it up with Hot Water and in two hours began to draw off; the Bottom of the Tub I beg to observe was defended with Twigs and Straw to prevent the Hole being

1814.
30 April.

John
Hutchison's
report on his
researches.

1814.
30 April.

John
Hutchison's
report on his
researches.

Stopped Up. I put into a Boiler Twenty Gallons of this Liquor and one Gallon of Clear Elephant Oil and Boiled them for two hours, I took 6 Gallons more of this Alkiline Ley and put into a Tub, and dissolved as much fine Alumine as would run through a Callico Sieve; this I Boiled two hours, and then put it into the Boiler in which the other Ley and Oil was, and Boiled them together for one hour; by this time it appeared a fine White Substance about the Thickness of Tar, this will rise most beautifully with hot Water, and Wash as well as any White Soap. It answers very well in Washing all Kinds of Goods both Woollen and Cotton and I have every reason to think will Answer extremely well in the Scouring and Milling of Coarse Cloths. And it is my intention to see if I cannot make a very Cheap and good Soap with a few alterations.

With respect to the Wool of this Country it is the Softest, Kindest and most Elastic to Work of any I have ever put thro' my Hands, and will Mill to a proper Substance in one half the time the generality of the English Wools will do, with the same Machinery, and under similar Circumstances and for a more particular Account I beg to refer to Messrs. Wormal and Gauts of Leeds, one of the largest Woollen Manufactories in England, and to whom we sent 21 Bales (some of which were choice) by the Ship Minstrel Captain Reid. Wool I look upon as the Staple Commodity of the Country. Wools of the same sort that we purchased last Year at 6d. Pr. lb. Currency have been Sold this Year @ 2s. 6d. Stlg. an advance of 600 Pr. Ct., and I look upon it in a general way it will advance for these three Years to Come. In that time I think the flocks will be pretty near on an Equality as every person seems to be most Anxious of their improvement; And, if Crosst in a proper Manner, their progeny will be equal to the best Breed in that time. I look upon it that there may be Wool Exported from this place in the Course of three Years Worth one Hundred Thousand pounds, and that every Year after that the quantity will encrease about one third, Besides Clothing and Blankets of every description and Kind for the Use of the Colony. I have no hesitation to say that at no distant period this will become one of the finest Wool Countrys in the known World, and a Source of Wealth to this and the Mother Country beyond Calculation.

My next observation is on the Manufacture of paper, the great price of this most Useful Article and the entire want of Coarser Kinds for almost every purpose of Commercial Concerns has led me into a regular Course of Study and Experiments how this great Evil Could be removed. It of course struck me at once that all the White Rags in the Colony would

go but a little way in Supplying the requisite Quantity of Writing paper; this objection of Course was the first to take into Consideration.

1814.
30 April.

John
Hutchison's
report on his
researches.

I therefore went about a regular Course of Experiments to Discharge the Colours of all Dyed and printed Goods of every description, In which I have Succeeded in a plain Cheap and Easy Manner so as to make all Kinds of Rags equally Valuable for the Manufacture of White paper. I carried my Experiments a little farther, and began with old written papers I Succeeded in discharging the Ink and making them ready to be thrown in the Trough to be reduced to a pulp by the Cylinder again. I have even found it possible to discharge the Ink without destroying the Texture of the leaves or taking the Sise out of the paper; all it requires is the Operation of Pressing when it is good as it was at first. From the above Circumstances it is evident we possess sufficient means for the Supply of White Paper, as we not only bring into Action all the Rags we have in the Colony of every description, but we add thereto all the Waste paper of every Description, so that as our demand and Consumption increases, so our Supply of Waste Paper will also increase.

I shall now treat on the operation to Accomplish this object, only observing that if it should prove deficient, the same process will serve for the purpose of Bleaching all Kinds of old Sails and Canvas of every description, as even these I could make perfectly White in the Course of a Week, and the Quantity of Sugar Bags brought into this Country would not only nearly Supply all Kinds of Coarse Paper, but any thing that would be short for White Could be supplied therefrom.

And Nature Bounteous Nature furnishes on the other hand an inexhaustible Source that no demand can run Short. I now Speak of the Fig Tree of Otaheite and several others, whose Barks and Leaves furnish an Excellent Substance for the Manufacture of Paper of all Kinds; the small piece of Matt which accompanies this Report No. — shews the Nature of the Article I now speak of. The Bark is taken off when Young, Steeped in Water for a Short time, when the fermentation has gone on so long as that the Glutenous Substance, that adheres to the Leaves or Bark, will easily Scrape off by a piece of Shell or any Sharp Instrument; it is then Scraped Clean and Well Washed; it is then ready for a Similar Operation for the Malletts of the Paper Mill; they have a large Block of Wood Cut with very fine Grooves, and with a Mallett also Groov'd in the ends; they Continue beating it out until they bring it into the State as it now is, and which is an admirable Substance for the Manufacture

1814.
30 April.

John
Hutchison's
report on his
researches.

of Paper, and when the Flax of New Zealand is once brought into the Market (a Circumstance which is very likely to take place very soon) every Want for the Manufacture of paper will be most reasonably Supplied.

I will state the Process by which I have succeeded in discharging the Ink from old papers as well as the Colours from printed and Dyed Goods. I prepared a Solution of the Mineral Alkile the same as Accompanies this with a Certain proportion of Lime Water, and boiled them for a short time; after that I tooked them out and washed them Clean; I then passed them thro' a Solution of Muriatic Acid hot, took them out and Washed them well. In a general Way this Completely discharges every Appearance of Ink Stains, and makes the paper perfectly fit for being reduced to a pulp afresh by the Machinery of the Paper Mill; Sometimes I have found very old Written Papers and those loaded with Printer's Ink to require a Second operation, but that has happened very seldom; but in place of a Second operation I have found it equally effectual to pass them thro' a hot Solution of Sulphuric Acid. When I bleach not to destroy the Texture of the Leaves, I have Simply put into a hot Solution of the Caustic Mineral Alkile for ten Minutes, Wash in Soap and Water, and afterwards pass them thro' a hot Solution of the Sulphuric Acid, which has Seldom or ever failed of having the desired effect. I then lay the leaves as if they came from the Mould betwixt the Cloths and press them; they are fit for Use Again.

With respect to the Bleaching Canvas of all Kinds, I boil them for two hours in a Caustic Solution of Mineral Alkile at the Rate of $1\frac{1}{2}$ Ounces to the Pound, Wash'd them well, Pass them into a Solution of Oxygenated Muriatic Acid until the Liquor is Exhausted, then wash well; oft they are now in general Completely White and fit to be thrown together to ferment, and destroy their Texture, in which State they are ready for the Malletts or Cylinder of the Paper Mill to be reduced to a pulp. Sometimes if the Canvas is very dirty and black, it will be Necessary to give them a Second Course of Work with half of the Materials; if this is not effectual pass them thro' a Strong Solution of Sulphuric Acid, which never fails of making them Completely White; with respect to discharging Colours from printed and Dyed Goods, I have met with Blacks and Reds from India, which have given me a great deal of trouble to discharge, but in this I may say I have Completely Succeeded. I boiled them in a Solution of Caustic Mineral Alkile for one hour, then Boiled them another hour in a Solution of Soap, afterwards wash'd *Clean off*; then left them for three hours in a

Strong Solution of the oxygenated Muriatic Acid, and at last passed them thro' a hot Solution of the Sulphuric Acid and Washed off.

1814.
30 April.

John
Hutchison's
report on his
researches.

But the following is the manner I intended to Carry on this Concern, all the Articles for the purpose being on Board the Frederic, expected daily directed to Alexr. Riley Esqr. from his Brother in Bengal.

After Boiling the Articles in the Caustic Solution of Mineral or Vegetable Alkali, to wash well off then have a large Cistern made Air-tight about nine feet each Way, and Lines to run Across at every Six Inches distance, to the top of which I should hang my paper or Goods to have my retort on a small furnace to be Wrought by a Sand heat, and the Gass Pipe to go between the retort and the Cistern, in which the Goods are placed, and there expose them to the fumes of the Oxygenated Muriatic Acid Gass; as I am convinced that it is at least one half more Active than the Oxygenated Muriatic Acid, without Smell in a Liquid State, for it is according to reason to suppose that the Acid without Smell, to Kill which a Considerable Quantity of an Alkali, or an Alkaline Earth is Necessary to Neutralize, and of Course its Active power so far destroyed.

Such is the result of many Months Study and some hundred Experiments.

The Want of Paint and Paint Oil is generally very severely felt in this Colony, Often Cannot be procured at any price, but at all time most exorbitantly dear.

The Following are the Colours I produced and the process I employed; and altho' they may not be done as they are in regular Colour Manufactories yet they will Answer the purpose.

With Respect to the Manufactory of Lamp Black, it is well known that it is the Soot of Fish Oil burnt in a Close Confined place in large Lamps where none of the fumes can escape, the same when Collected and put into Barrels is fit for Sale, and as fresh Oil can be procured here at one half the price it can in England, it Consequently will be more reasonably produced.

These Woods (the Barks of which I send) produce the most beautiful Blue Black on being Calcined in a Close Crucible. that no Air can get Admission; the principal Bones of Animals being Calcined in a Similar Manner produced very fine black, but the purest Black I have been able to make is from Peach Stones, immense Quantities of which are in this Country. I put them into a Close luted Crucible, and exposed them to a very strong heat, which produced a very Shining Black and easy reduceable at an inpalpable powder fit for use. A White, by Calcining Bones in an open fire brought to a proper degree of

1814.
30 April.

John
Hutchison's
report on his
researches.

heat, and another White, by reducing to powder the Inside of Oyster Shells, which have very much the appearance of Pearl White, and I much Mistake if they are not often Mixed; I obtained a most beautiful Red from some Pyrites I had from the Coal River, the Same as we make Copperas from and when I Consider that Copperas will make a fine red dissolved and painted on Earthen Ware, it must be from one and the same principle. I had also another Substance with Shining Coppery Colours, which on being Calcined produced a most beautiful Black, but no heat I could give it would make it at all reduceable to powder. I had Collected a Considerable quantity of this for future Experiments, but lost them in breaking up the Concern in which I was a Copartner, besides many other Articles of a Similar Nature; I also obtained a very good Yellow Colour by pounding broken pieces of Red Coloured Earthen Ware in the Bisket State, and mixing it with one fourth of White Bones Calcined and powdered, Calcining them again and grinding into a fine powder, these Experiments took place about twelve Months Ago; when I was about erecting a Water Mill (A Situation I had Selected for that purpose which Your Excellency had kindly given me the promise of prior to my Engagements with the house alluded to) for the Woolen and Paper Manufactory and to grind these Colours as well as Sand, flint and Glaze for our Earthen ware Manufactory we then Carried on, all of which depended on a power either by Water or otherwise.

I shall now Close this Subject by Stating the result of many Experiments on the refining of Elephant Oil to be used in Part in Oil painting; to go thro' the whole of the Process would be tedious and uninteresting, I shall Simply State the Process by which I succeeded to Clarify it so that by Using two parts of this and one of Linseed, the paints appear equally good and in my opinion less liable to Blister with the intense heat of the Sun and also dry as soon as any Oil paints in England.

Take 8 pints of Elephant Fish Oil

1 „ „ Acetious Acid

Take $\frac{1}{2}$ Pint of Linseed Oil

„ 2 oz. Spirits of Turpentine

1 Oxhy'd of Lead

1 oz. Sulphat of Zinc

Mix well up together until the whole Completely incorporated, and let them Stand till all the impurities fall to the bottom, the oil at the top is fit for use. In this Country it will be found a most durable paint.

The above is the result of some Thousands of Experiments, which has cost me not a little money, as well as a great deal of

Study, whether they may turn out to the advantage I have stated either to this or the Mother Country will require time to prove.

1814.
30 April.

John
Hutchison's
report on his
researches.

The Expences however of Carrying on a Series of Experiments of this Kind in this Country are beyond Conception. In England I can purchase Sulphat of Iron at one penny per pound, in this Country I must pay 7s. 6d. pr. lb., and all Salts with Metallic Basis equally exorbitant; acids in a Similar degree. It was but the other day, I was glad to pay 10s. for 2 oz. of Sulphuric Acid which in England I can buy at 6d. pr. lb.

Under these Circumstances I am obliged to prosecute my researches in future, as my finances will admit, and in short my duty to myself as well as some few Creditors I still have, thro' my late Connexion, by promissory Notes, and otherwise, obliges me at present altogether to lay Aside these Expensive pursuits (tho' Unwillingly) until I can with more propriety to myself and friends, Continue them with different Circumstances. At the same time there are two or three Mineral Substances, I shall be most Anxious to make some Experiments upon (and as soon as I can get a place I can Call my Own, And on which I Can with Confidence build furnaces &c. without the fear of being disturbed by the Caprice of a Landlord perhaps before they are finished, or at any rate before I have obtained the purpose I built them for). And I shall lay the result of these Experiments before Your Excellency as soon as possible.

I have, &c.,

J. HUTCHISON.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

Government-house, Sydney, New South Wales,

My Lord,

30th April, 1814.

The Earl of Liverpool, your Lordship's Predecessor in Office, having transmitted me sundry Documents* relative to the alledged fraudulent Conduct of Deputy Commissary Fosbrook at the Settlement of Hobart Town in Van Dieman's Land, accompanied by a Letter, dated the 2nd of May, 1812, containing His Lordship's instructions to cause the Charge alledged against Mr. Fosbrook to be fully investigated, I have the honor to inform Your Lordship that, immediately on the arrival of Mr. Deputy Commissary General Allan from England in June, 1813, with other Officers of the Commissariat Department, I ordered Mr. Hogan (an Assistant Deputy Commissary) then arrived to proceed to the Southward and relieve Mr. Fosbrook, whom I ordered

Inquiry ordered
into alleged
fraudulent
conduct of
deputy-
commissary
Fosbrook.

* Note 50.

1814.
30 April.

Judge-
advocate's
opinion *re*
charges to be
preferred
against
Fosbrook.

Reasons for
not holding a
court martial on
statements made
by Shipman.

Court martial
on Fosbrook
founded on
new evidence.

Sentence of the
court martial.

at the same time into Arrest, and to be sent to Head Quarters, to abide a General-Court-Martial on the charges that should be framed from the Examinations (remitted by Lord Liverpool) of Francis Shipman, formerly a Clerk in the Commissariat Department under Mr. Fosbrook at Hobart Town.

2. Previous however to the assembling a General-Court-Martial, I deemed it expedient to consult the Judge Advocate of the Colony in the matter of framing Charges from the Examinations of Shipman, and having submitted to him the Earl of Liverpool's Letter with the Documents, which accompanied it, He gave it as his Legal and decided Opinion that it would be unavailing to frame Charges from those Examinations, there being a total want of Evidence to support them.

Such being the opinion of the Judge Advocate, it appeared useless to push the business further, and the Informant Shipman having borne an infamous Character during his residence in this Colony, and being since executed in England (as I have been informed), these circumstances combined finally determined me to relinquish my first intention of ordering a Court Martial. I do myself the honor to transmit, for Your Lordship's information, a Copy of the Letter I received from Mr. Bent, the Judge Advocate, on the subject of framing Charges against Mr. Fosbrook from the Examinations of Shipman, which I trust will secure your Lordship's Approbation of the line of Conduct adopted thereon by me.

3. Other and later Complaints having been made to me against Mr. Fosbrook for improper and fraudulent Conduct in the discharge of his Official Duties, I have been under the necessity of submitting the Documents, transmitted me by the Commandant at Hobart Town, to the Judge Advocate, in like manner as I have done the former, and from them He framed specific Charges, which were laid before a General Court Martial assembled for the occasion on the 28th of February last.

4. I have now the honor to transmit Your Lordship a Copy of the Charges preferred against Mr. Fosbrook and of the Sentence passed on him by that Court. From the latter, Your Lordship will observe that Mr. Fosbrook has been Cashiered the Service, and required to make good to the Public the loss and Injury sustained by his Delinquency.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Sir,

Sydney, N. S. Wales, 18th Feby., 1814.

I was duly favoured with your Letter of yesterday's date, and have to observe in reply, as to the papers transmitted by

Lord Liverpool relative to Mr. Fosbrook's Misconduct, that those Papers contain Grounds for six separate and heinous charges against that Officer; in consequence of Your Excellency's Wishes I have examined Boothman and Maum respecting those transactions. The Answers of the former were either wholly unsatisfactory, or in favour of Mr. Fosbrook, And Your Excellency probably knows that Boothman, being himself deeply implicated in the alledged frauds, cannot be compelled to Answer any Question, the answers to which would expose him to Punishment. Under all circumstances, he is the last person whom I should call upon as a Witness. Maum is wholly ignorant of the transactions of the Years 1806, 1807 and 1808. As to one transaction supposed to have taken place in 1809, I mean the receiving £50 from Mr. Collins in payment for some Cattle purchased by him from Government, which sum Mr. Fosbrook did not carry to the Credit of Government, as Shipman says, Mr. Maum, not knowing of the Circumstance, has left behind him at Hobart Town the receipt given by Mr. Fosbrook for the Money, and, to prove the Circumstance of its not being carried to the Credit of Government, I ought to be furnished with Mr. Fosbrook's Account Current for that Year. This transaction is the only one, of those contained in the Papers sent out by Lord Liverpool, of which Maum has any knowledge. I now beg leave to remind Your Excellency that the above transactions took place so long ago as the Years 1806, 1807, 1808 and 1809, and that, by the 144th Section of the Mutiny Act, it is provided that no person shall be liable to be tried and punished for any Offence, etc., which shall appear to have been committed more than three Years before the issuing of the Commission, etc., for such trial, unless the person accused, by reason of his having absented himself, or of some other Manifest impediment, shall not have been amenable to justice within that period etc. etc. On this section, I am of Opinion that the mere circumstance of these nefarious transactions, not having come to the knowledge of Government in time to institute proceedings against Mr. Fosbrook under the Mutiny Act, is not such *manifest* impediment as is contemplated by the legislature; for if it were so considered, the whole of that provision of the Act would be rendered nugatory. I should therefore advise Your Excellency not to prefer any charges on those papers against Mr. Fosbrook. I forgot to observe that the proceedings before the Commissioners of Audit and the examination of Shipman before them cannot be read in evidence. Some of the charges, to which I am now alluding, appear to Me to be offences at Common Law, and might therefore be subject to the Cognizance of the Court of Criminal

1814.
30 April.

Judge-
advocate's
opinion *re*
framing of
charges against
Fosbrook.

1814.
30 April.

Judge-
advocate's
opinion *re*
framing of
charges against
Fosbrook.

Judicature here. But in Order to make this course of proceeding effectual, it will be necessary to obtain the clearest information in the first instance, in Order to frame a Criminal information which might be supported by Evidence. I feel I should be departing from my duty as a confidential adviser of the Crown, if I advised the preferring a criminal charge against any person, knowing that it could not be supported by legal Evidence; And that I should be exposed to just censure, if thro' my inadvertence His Majesty's Government should be placed in such a predicament. I submit, therefore, to Your Excellency that it must have been Lord Liverpool's intention that the Matters contained in his letter should be inquired into, and that if, upon consultation with the Judge Advocate, there should then appear to be any reasonable hope of establishing any Criminal charges against Mr. Fosbrook, that he should be brought to trial. I beg to inform Your Excellency that I have seen Wm. Holsgrove, and questioned him relative to Mr. Fosbrook; but that he does not appear to possess any information relative to any charge against him. I have also examined Boothman and Wade as to the Iron mentioned in Your Excellency's letter. Boothman states that he delivered this Iron to Ankers by the verbal Order of Mr. Fosbrook; that Ankers was to return the like quantity and quality of Iron to H.M. Store before the end of the Year, or, if not, was to be charged with it at the usual per centage. The Iron has been returned to His Majesty's Store, but in an irregular and certainly suspicious Manner. I send for Your Excellency's perusal, rough Minutes of the information of Boothman and Wade on this Subject, and if on perusal of this document Your Excellency should think proper to direct me to frame a charge against Mr. Fosbrook relative to this Iron, I will prepare one instantly for your consideration. I will thank Your Excellency to direct the proper Officer of the Commissariat Department to furnish me with Mr. Fosbrook's Victualling book and provision Account for the Year ending 31st Decr., 1812.

I have, &c.,

Compared:—JNO. THOS. CAMPBELL, Secy.

ELLIS BENT.

[Enclosure No. 2.]

At a General Court Martial, held at Sydney, New South Wales, the 28th day of February, 1814, Mr. Leonard Fosbrook, Deputy Commissary, were arraigned upon the following Charges, viz:—

First Charge.—"That Deputy Commissary Leonard Fosbrook, between the thirty first day of August in the year of our Lord one thousand, eight hundred and Twelve, and the Ninth day of October of the same year (the said Leonard Fosbrook being during the whole of that time a Deputy Commissary of His Majesty's Stores and Provisions at Hobart Town, Van Dieman's

Charges
preferred
against
Fosbrook at the
court martial.

Land, and in Charge of the Commissariat Department there), did embezzle, or fraudulently misapply, or cause to be embezzled, or fraudulently misapplied, or to be otherwise spoiled or wasted, divers large Quantities of Wheat, rice, Salt Pork, and fresh meat, belonging to His Majesty, and under his the said Leonard Fosbrook's charge as such Deputy Commissary, as aforesaid, at His Majesty's Stores at Hobart Town, aforesaid, to the great damage of his Majesty and his service, contrary to the duty and in violation of the trust and confidence reposed in him, the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, and in contempt of the Articles of War."

1814.
30 April.

Charges
preferred
against
Fosbrook at the
court martial.

Second Charge.—"That the said Leonard Fosbrook, being such Deputy Commissary as aforesaid, on or about the twenty first day of July in the year of our Lord one thousand, eight hundred and Twelve, did fraudulently, and without any lawful authority whatsoever, issue and deliver, or cause to be issued and delivered, to one Daniel Ankers at Hobart Town aforesaid, from and out of His Majesty's Stores there, a large quantity, to wit, Two hundred and seventy pounds weight of Iron, belonging to His Majesty, and under the charge of the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, with intent in so doing to defraud His Majesty to the great injury of His Majesty's service, contrary to the duty and in violation of the trust and confidence reposed in him, the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, and in contempt of the Articles of War."

Upon which Charges the Court passed the following
Sentence.

"The Court having heard and maturely considered the several charges preferred against the said Leonard Fosbrook, and the evidence produced in support of the same, and having also heard and maturely considered all such matters as the said Leonard Fosbrook had to offer in his defence, and the evidence by him produced in support thereof, doth adjudge that the said Leonard Fosbrook is Not Guilty of embezzling or fraudulently misapplying any provisions, belonging to His Majesty, and under his the said Leonard Fosbrook's charge, as in the first charge preferred against him is alledged. But the Court doth nevertheless adjudge that the said Leonard Fosbrook, being a Deputy Commissary of His Majesty's Stores and Provisions at Hobart Town, Van Dieman's Land, and having charge of the Commissariat Department there, between the 31st day of August, 1812, and the 9th day of October in the same year, by his gross and criminal neglect of duty, did wilfully suffer divers large quantities of provisions, belonging to His Majesty and under the

Sentence passed
by court martial
on Fosbrook.

1814.
30 April.
Sentence passed
by court martial
on Fosbrook.

charge of him the said Leonard Fosbrook, namely four hundred and fifty seven bushels of Wheat, five thousand, two hundred and four pounds of Rice, and a quantity of animal food, equal to five thousand, six hundred and thirty one Pounds of Salt Pork, to be fraudulently embezzled or misapplied by some person or persons, unknown to this Court, to the great detriment of His Majesty and his service, in violation of the trust and confidence reposed in him, and in contempt of the Articles of War. And as to the second charge preferred against him, the said Leonard Fosbrook, the Court doth adjudge that the said Leonard Fosbrook, being such Deputy Commissary as aforesaid, on or about the 21st day of July, 1812, did fraudulently and without lawful authority cause to be issued and delivered from and out of his Majesty's Stores, at Hobart Town aforesaid, to Daniel Ankers, in the said charge mentioned, two hundred and Seventy pounds weight of Iron, belonging to his Majesty, and under the charge of him, the said Leonard Fosbrook, with intent to defraud His Majesty, to the injury of his Majesty's service, in violation of the trust and confidence reposed in him, and in further contempt of the said Articles of War. And the Court doth further adjudge that the loss and damage, sustained by His Majesty by such misconduct of the said Leonard Fosbrook, doth amount to the sum of five hundred and fifty three pounds, eight shillings and four pence of good and lawful money of Great Britain. And the Court doth further adjudge that for the said offences, of which the said Leonard Fosbrook is hereby adjudged to be Guilty, he, the said Leonard Fosbrook, be dismissed from His Majesty's service, and be ever after incapacitated from serving his Majesty in any office whatsoever, civil or Military; and further that the said Leonard Fosbrook shall at his own expence make good to his Majesty, his heirs, and successors, the loss and damage above ascertained by this Court.

"A. OGELVIE, Major 46th Regt., Pres't.

"ELLIS BENT, Depy. Judge Advocate."

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Sydney, N. S. Wales, 30th April, 1814.

Monthly returns
of troops.

I do myself the honor of transmitting to Your Lordship herewith, the Monthly General Returns of the Troops serving in this Territory, from the 25th of August, 1813, to the 25th of this present Month, both inclusive. I have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these returns are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

1814.
30 April.

My Lord, Sydney, N. S. Wales, 30th April, 1814.

1. I have the honor to acknowledge the receipt of your Lordship's separate and secret Letter, under date 19th August last, with its enclosed Paper of information, respecting a Plan said to be entertained by the Enemy of attacking the Settlements of this distant Colony.

Despatch
acknowledged.

2. I have perused with very particular attention Mr. Jorgenson's Paper of information, which, as far as it relates to this Country, its resources, and advantageous Situation for Trade, is pretty correct. This Person, under the Name of Johnson or Jansen, did serve for some little time in this Country on board the Lady Nelson and other Vessels, and may therefore be supposed to be tolerably well acquainted with its several Ports and Harbours. He, however, over-rates the natural Fertility of the Country, the excellence of its Timber, and the elegance of the Buildings at Sydney and in the interior of the Country.

Jorgensen's
opinion on the
advantages
of the colony.

3. It has been generally supposed* that the "*Geographe*" and "*Naturalist*," French Ships of War under Capt. Baudin, which visited this Country some years since, came solely for the purpose of ascertaining how far it might prove expedient for the then Ruler of France to establish a Colony on some part of New Holland, to counteract the views of the British Government in this Country; And I have no doubt Bonaparte would long since have prosecuted his views in this respect, had his more important Engagements in Europe admitted of his sending out a sufficient Force for the Conquest of this Colony. Under this impression, I shall be as much prepared, as Circumstances will permit, to resist any sudden incursion or descent of the Enemy on this Country; and your Lordship may rest assured that no effort of mine will be wanting to render our small Force here as efficient as possible, and that every practicable precaution will be taken to guard against a Surprise.

Objects of
Baudin's
expedition.

4. At the same time that I give these assurances, I regret being under the necessity of acknowledging, and reporting to Your Lordship, that our present Force in point of Troops is very inadequate to the Defence of the Colony, should the Enemy make any sudden attack upon it; and upon this Subject, I must take the liberty to refer your Lordship to my Publick Dispatch, under date the 28th Inst., earnestly soliciting your Lordship's most serious and earliest attention to the requisition, therein contained, of speedily augmenting the present Military Force in this Colony.

Precautions
to be taken
against
invasion.

Inadequacy of
military force
for defence
of the colony.

I have, &c.,

L. MACQUARIE.

1814.
30 April.

Governor MACQUARIE TO UNDER SECRETARY GOULBURN.
(Despatch per brig James Hay.)

Sir, Sydney, N. S. Wales, 30th April, 1814.

Despatches *re*
Johnston and
Davey.

1. I had the honor of addressing you in a Private Letter, under date the 30th of June last, in reply to your private one of date 22d Octr. 1812, respecting the Conduct of Mr. Johnston, late Lieut. Colonel in the 102d Regt., and Lieut. Governor Davey.

Conduct of late
lieut.-colonel
Johnston.

2. The former Gentleman I am happy to say has continued, ever since his return to the Colony, to conduct himself in a very modest, inoffensive Manner, and I have therefore received his Visits, asked him to my Table, and treated him exactly in the same manner, as I do other Gentlemen Settlers of this Colony.

Public
administration
of lieutenant-
governor Davey.

3. Lieut. Governor Davey has also hitherto avoided doing anything to render it necessary for me to make any formal Complaint against him; and upon the whole, his Public Conduct, since he assumed the command and administration of the Settlements on Van Diemen's Land in Febry. 1813, has been pretty correct, excepting in some few instances of giving Locations of Land to Persons, not entitled to receive them, and particularly to a few Men *who are still Convicts*, which is directly contrary to the Instructions I furnished him with for his guidance, and of which I sent home a Copy to Lord Bathurst in my Dispatch of 30th June, 1813, for His Lordship's approval.

Davey to be
prohibited
making land
grants and
issues of cattle.

4. I therefore respectfully recommend that Lieut. Governor Davey may be pointedly instructed from Home not to make any Locations of Land at all, or any issues of Government Cattle in Van Diemen's Land, without first receiving my consent and authority for so doing; for without Lieutenant Governor Davey is in every respect placed completely under my authority and Controul, I cannot any longer hold myself responsible for his conduct in the appropriation and expenditure of the Public Property and Public Money, entrusted to his management in Van Diemen's Land.

Private
character
and conduct
of Davey.

5. As yet I have every reason to believe that Lieut. Governor Davey is an honest Man and means well; but he is so dissipated in his Manners and Morals, so expensive in his habits, so very thoughtless and volatile, and so very easily imposed upon by designing plausible Characters, that I cannot but think him a very unfit man for so very important a Situation as the one he now holds.

Recommend-
ation of
Foveaux as
lieut.-governor.

6. In the event therefore of its being deemed expedient at some future period to remove Lieut. Governor Davey from his present Situation, I beg leave most strongly to recommend that it may be offered to Colonel Joseph Foveaux, late of the 102d Regiment, as a most fit Person for executing the Duties of Lieut. Governor of Van Diemen's Land, with honor and credit to himself, and

with the greatest advantage to the Public Service, and the speedy improvement of the Infant Settlements on that Island. I formerly took the liberty of recommending Colonel Foveaux to the Earl of Liverpool (then Secretary of State for the Colonies) for the Situation of Lieut. Governor of Van Diemen's Land; but, at that time, His Lordship did not deem it advisable to give the appointment in question to Colonel Foveaux, on account of the part he took in the Suspension of Governor Bligh. Perhaps, however, the Conduct of Colonel Foveaux may at this distance of time be now viewed in a less offensive light, and that some palliation may be admitted for the peculiarity of his situation on the occasion alluded to. At all events, as some Officers (namely Capt. Brabyn, Lieuts. Lawson and Bell) have been permitted to return to New South Wales to resume their Military Duties* in this Colony, who were more deeply implicated in the original Suspension and arrest of Governor Bligh, than Colonel Foveaux, who was not then in the Colony, I indulge a hope that the part he took in the subsequent events of that Transaction will not now prove any bar to his being appointed Lieut. Governor of Van Diemen's Land, should he be still desirous to obtain that Situation, for which I consider him as eminently well qualified, Colonel Foveaux being a man of very superior talents, inflexible honor and integrity, firm decision, great arrangement, and possessing an excellent taste for carrying on every species of improvement in an infant Colony.

1814.
30 April.

Previous
recommend-
ation of
Foveaux.

Foveaux's share
in usurpation
of Bligh's
government.

Character
of Foveaux.

7. I understand it is the intention of Lieut. Colonel Geils of the 73d Regiment (whom I had appointed Commandant of the Settlement of Hobart Town, previous to Lieut. Governor Davey's arrival in this Country) to apply for the Situation of Lieut. Governor of Van Diemen's Land, through the interest of his Friends at Home, in the eventual removal of Lieut. Governor Davey; and I therefore feel it a duty, I owe to the Publick Service, to apprise you, for Lord Bathurst's information, that Lieut. Colonel Geils is a most unfit person for holding a Situation of so much trust, confidence, and responsibility, being a Man of weak judgment, extremely venal and rapacious, and always inclined to sacrifice the interests of the Public to his own sordid and selfish views. Many instances of this nature occurred whilst he held the command of Hobart Town, and for which I was under the necessity of reprimanding him severely.

Expected
application
from Geils.

Incompetency
of Geils for
lieutenant-
government.

8. You will oblige me by communicating the contents of this Letter to Lord Bathurst, which His Lordship may rest assured I have no other Motive in writing than the good of the Public Service.

I have, &c.,

L. MACQUARIE.

1814.
— April.

GOVERNOR MACQUARIE TO THE COMMISSIONERS OF THE TRANSPORT
BOARD.

(Despatch per brig James Hay.)

April, 1814.

[A copy of this despatch is not available.]

[Enclosure No. 1.]

MEDICAL OFFICERS TO SECRETARY CAMPBELL.

Sir,

Sydney, 24th March, 1814.

In consequence of his Exce'y's Commands, communicated to us in your Circular Letter of the 14th inst. constituting us into a medical Court of Enquiry to examine into and investigate fully the causes, which may have occasioned the very great and unusual mortality, which took place among the Male Convicts lately arrived here in the Transport General Hewitt,—Earl, master, during her Passage hither from England, We have the honor of stating for the Information of His Excellency the Governor, that we met on Wednesday the 16th Instant, and proceeded to investigate those Causes, the result of which enquiry we now submit as follows:—

Medical court
of inquiry into
mortality on
the transport
General Hewitt.

Findings of
the court of
inquiry.

1st.—That it appears from the testimony of Mr. Hughes, Surgeon of the General Hewitt, that several of the Convicts when received on board were in a state of debility; We are of opinion that Mr. Hughes ought to have objected to those in that state, and which he stated he would have done, had not the vessel sailed so soon; As it is a fact universally admitted that nothing predisposes more to disease than a certain degree of debility, however produced, and more especially when combined with the responding state of mind naturally attendant upon men under similar unfortunate Circumstances.

2ndly.—We concur in opinion with Mr. Harris, late Surgeon of the 102nd Regt., who was a Passenger on board and with Mr. Hughes, the Surgeon of the Ship, that the primary and chief cause of the Sickness, which took place on board the Transport General Hewitt and of which so many unfortunately died, is to be attributed to a continuance of wet weather, to the Bedding having been wetted, thrown together in a heap till heated, afterwards slept on by the Prisoners, and the necessity of the Convicts remaining so long confined below, not being able, on account of the Rain to have access to the Deck.

3rd.—That we are of opinion, as observed before, that whatever induces a certain debility in the human body, disposes to disease, and more especially to contagious disease; We therefore further infer that the withholding of a Portion of the Convicts' Ration of salted Beef, thereby subducting a part of their stated subsistence for a certain Period, without substituting any thing in

lieu thereof, as appears to have been done by Captain Earl, although at the recommendation of the Surgeon, and from whose evidence it appears to be but too common a practice, is highly censurable, and must have had a tendency, by producing debility, to prepare the Body for the reception of, to keep up, and to propagate disease among the Convicts.

1814.
— April.

Findings of
the court of
inquiry.

4th and lastly.—We are of opinion from the evidence produced before us that there is no reason for supposing a want of humanity or attention on the part of Mr. Earl, Master, and Mr. Hughes, Surgeon of the General Hewitt, towards the Convicts intrusted to their charge, but that on the contrary every attention was paid to keeping the Prison and Hospital carefully cleansed, fumigated and ventilated, and the Comforts put on board for the Service of the Sick were duly appropriated for that purpose.

We have, &c.,

D. WENTWORTH, Prin. Surgeon.

W. REDFERN, Ass't Surgeon.

EDWD. LUTTRELL, Ass't Surgeon.

Copy:—J. T. CAMPBELL, Sec.

[Enclosure No. 2.]

PROCEEDINGS of a Medical Court of Enquiry, holden at Sydney in New South Wales, 16th of March, 1814, by order of His Excellency the Governor, in order to enquire into the causes of the very great mortality among the Convicts on board the Transport "General Hewitt" during the Passage from England to New South Wales.

Proceedings of
medical court
of inquiry into
the mortality
on the transport
General Hewitt.

MR. RICHD. HUGHES, Surgeon of the General Hewitt, sworn:—

Q. What number of Convicts was received on board the General Hewitt? A. 300 Convicts.

Q. From what place or places were they received? A. From Woolwich, Sheerness, Portsmouth and Langston.

Q. What was their general state of health on being received on board the Transports? A. Some of them were in a state of Debility.

Q. If a number of Convicts was in a state of a Debility to render them unfit to proceed on the voyage, why did you not object to them? A. I would have objected to about 15 or 16 had there been time to have done so previous to the sailing of the Ship.

Q. Is it not usual for an Inspecting Medical Officer to see the Prisoners after embarking on board the Transports, in order to ascertain whether there be any among them labouring under infectious diseases or otherwise unfit to proceed on the voyage? A. I have been Surgeon to two Convict Ships from England and to one from Ireland; In Ireland the Convicts were, after their Embarkation, carefully examined by a Physician and Surgeon, but it has not come within my knowledge that such examination has been instituted in England.

Q. Were the Prisoners sent on board the General Hewitt without any Certificate respecting their Health? A. They were accom-

1814.
— April.
Proceedings of
medical court
of inquiry into
the mortality
on the transport
General Hewitt.

panied by a Certificate stating that they were in good health, signed by the Surgeon of each respective Hulk.

Q. Did that Certificate correspond with your opinion respecting their state of health? *A.* Not with the whole of them.

Q. Did you conceive that any of them labored under infectious diseases? *A.* No.

Q. How long did the Ship remain at Portsmouth after she had received the last of the Convicts? *A.* Three days.

Q. How long had you been on your Voyage before disease appeared among the Prisoners? *A.* About 3 Weeks, shortly after we quitted Madeira.

Q. What did you conceive the nature of the Disease to be, which appeared among them? *A.* Chiefly Dysentery.

Q. What number was attacked with Dysentery at this early part of the voyage? *A.* About 12 or 14 within the first fortnight after quitting Madeira.

Q. As you had an opportunity of seeing the Convicts two or three times a day, and consequently of observing the various circumstances connected with their situation, we wish to know from what causes you conceive the Dysentery to arise? *A.* About the period at which they were attacked and for some days previous, the weather was very wet, which prevented the Prisoners from going on Deck as usual. During the rain the Bedding got wetted, and the continuance of the Rain prevented them from being dried; they were put together in a heap and I suppose somewhat heated, and as the Prisoners lay on them in this wet state I conceive that the state of the weather, the wet Bedding, and the Confinement below had much share on the production of the Disease.

Q. How did it happen that the Bedding was suffered to remain so long on Deck during the rain as to become wet? *A.* We were fumigating the Prison Deck, with their Bedding, when a squall came suddenly on and drenched them before the Prison could be opened and the Convicts get below.

Q. In a former part of your examination you stated that there was a number of Convicts much debilitated when they were received; Did you perceive that those thus debilitated were more liable to disease than others? *A.* Yes, they were.

Q. In answer to the question respecting the nature of the disease that prevailed among the Convicts, You stated that Dysentery chiefly prevailed, what other diseases manifested themselves? *A.* No other Disease of consequence appeared at this early part of the Voyage.

Q. What was the state of the Convicts' health when you arrived at Rio de Janeiro? *A.* A great number was very sick and ill of Dysentery.

Q. Was the Prison regularly and properly cleansed, fumigated and ventilated? *A.* The Prison Decks were dry scraped and swept daily. The Prison and Hospital were fumigated with Oil of Tar and Sulphur twice or thrice a week, and sprinkled with vinegar every day. Windsails were kept constantly down the Hatchways and Scuttles, whenever the weather would admit.

Q. Were the Sick duly supplied with the Articles of Comfort put on board for their use? *A.* All that was put on board was served out to them.

Q. Was there a sufficient quantity of the Articles of Comfort for the use of the Sick put on board? *A.* I do not think there was enough of Tea and Sugar.

Q. Were the Convicts during their Stay at Rio de Janeiro supplied with a different quantity of fresh meat and vegetables? *A.* I do not conceive that they were supplied with a sufficient quantity of fresh meat, as several of the Convicts complained to me that they had not a sufficiency, but on my representing to Capt. Earl that the Prisoners were dissatisfied with the quantity of meat, He increased it, and there were no more Complaints. With regard to Vegetables, they had plenty.

Q. Do you know what was the daily Ration served to each Convict at Rio Janeiro? *A.* I do not.

Q. Were the Convicts supplied with fresh fruit during their Stay at Rio Janeiro? *A.* It was not the fruit Season. They were however supplied with as much as could be obtained.

Q. What was the general state of the health of the Convicts when the Ship quitted Rio Janeiro? *A.* Very Sickly, and many of them reduced to a state of very great debility.

Q. If the Convicts were in so bad a state of health, why did you not object to the Ship proceeding to Sea? *A.* I did not think that I possessed the Authority to object to the sailing of the Ship.

Q. As the Convicts were in so sickly a state, why were they not landed as the sick of several Ships had been on former occasions? *A.* When I came out as Surgeon of the Providence, I made Application to send two men to the Hospital at Rio de Janeiro, and when I was Surgeon of the *Æolus* a similar Application was made by the Surgeon of the *Gambier*, and both were refused; I therefore conceived an Application would be unavailing.

Q. How often and in what number were the Convicts admitted on Deck? *A.* Previous to our arrival at Rio Janeiro, they were divided into three divisions, one of which was admitted upon Deck in Rotation. The whole were admitted up in the course of the day; and at the times in which the Ship was undergoing fumigation all the Prisoners were on the Deck at once. After quitting Rio Janeiro the whole of the Prisoners had access to the Deck.

Q. How many Convicts died on the Passage? *A.* 34.

Q. Did they all die of Dysentery? *A.* No, the greater Number died of Dysentery, four of Typhus, two of apoplexy, two of Remitting fevers, and two of extreme debility without apparent disease.

Q. During what part of the Voyage did the greater part of the Mortality take place? *A.* About nineteen died on our Passage to, and during our stay at Rio de Janeiro; the remainder on the Passage from Rio to Port Jackson.

Q. From what causes did the Typhus Fever arise? *A.* I cannot exactly say; Three of them had been previously afflicted with Dysentery, and much debilitated and labouring under great depression of Spirits, for a considerable time before they were attacked with Typhus.

Q. Did it come within your knowledge that a part of the Convicts' ration of salted Beef was purchased from them by Capt. Earl; and if so in what quantity was it withheld? *A.* I did know that some of ye Ration of salted Beef was purchased by Capt. Earl from the Prisoners, but I cannot speak as to the quantity that was withheld; I shall however beg leave to add in explanation, that an Application was made by the Prisoners to Capt. Earl requesting him to purchase a portion of their salted Beef during the hot weather, as they alledged that they could not

1814.
— April.

Proceedings of
medical court
of inquiry into
the mortality
on the transport
General Hewitt.

1814.
— April.

Proceedings of
medical court
of inquiry into
the mortality
on the transport
General Hewitt.

eat it, and that if they did, they were fearful it would dispose them to Scurvy, and that they wished to be paid for it on their arrival at Rio, that they might purchase other articles more congenial to their tastes and better suited to their Situations. Capt. E. refused to comply with this request, 'till I informed him it was done by Capt. Barclay in the Providence, by Capt. Adie in the *Æolus*, and by Capt. Harrison in the Gambier.

Q. As you have stated in Evidence that the Convicts, previous to their arrival at Rio, were in a very debilitated state, did it never occur to you that a subduction of a Portion of their ration might have had a considerable share in producing that Debility? *A.* No, it never did.

JNO. HARRIS, Esqr., sworn:—

Q. As you came out Passenger in the General Hewitt, and was for a length of time Surgeon of the 102nd Regt., stationed in this Colony, and consequently well acquainted with the nature of the service, which we are now investigating, Will you have the goodness to state about what time the Sickness commenced on board the General Hewitt among the Convicts? *A.* I think it was about 6 or 7 weeks after our quitting England. The Surgeon in answer to my frequent Enquiry told me that a number of the Prisoners was attacked with Dysentery. I went down to the Sick Birth to visit them with him; I enquired particularly into the mode of treatment, and was satisfied that it was correct; I advised him to persist in the use of Salts and tartarized Antimony in divided Dose, it having been a plan of cure from which I had experienced much benefit in the treatment of my Dysenteric Patients during my former residence in this Country.

Q. Were you requested to visit the sick at any other Period of the Voyage? *A.* Yes. I visited them frequently and gave such advice as I judged best calculated to benefit them, and which was in every instance complied with.

Q. From the Opportunity you had of making observations on the general state of Health and of the management of the Convicts in particular, during the Voyage, will you be kind enough to state what you conceive to have been the causes which induced so great and unusual a degree of Sickness and mortality among the Convicts in the General Hewitt? *A.* I conceive that the causes originated in the first Instance in the extreme wet weather, and the bad state of the Bedding in consequence of being wetted. For I very frequently visited the Prison and never saw any place better fitted up, nor kept in a more cleanly state, and the Prisoners had frequent and indeed almost constant access to the Deck.

Q. Did you conceive that the Convicts were treated with humanity and attention by Capt. Earl and Mr. Hughes, the Surgeon, during the Voyage? *A.* I have certainly every reason to think so, I know nothing to the contrary.

Q. Did it come within your knowledge that Capt. Earl had purchased any Portion of the Convicts' ration of salted Beef during the Voyage? *A.* I never heard of it, until at this Enquiry.

D. WENTWORTH, Prin. Surgeon.

WM. REDFERN, Ass't „

EDWD. LUTTRELL, Ass't „

Copy:—J. T. CAMPBELL, Sec.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

1814.
2 May.

Sir, Downing Street, 2nd May, 1814.

I herewith transmit an Order of His Royal Highness The Prince Regent in Council, dated the 21st Ulto., ordering the Restrictions, heretofore imposed on the Ports of Italy, immediately to cease, and I am to desire that you cause the same to be made Public within your Government. I have, &c.,

Removal of
restrictions
on trade with
Italy.

BATHURST.

[Enclosure.]

[A copy of this order is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Somersetshire.)

Sir, Downing Street, 7th May, 1814.

7 May.

I have received Lord Bathurst's directions to transmit to you herewith the Assignment of Male Convicts embarked on board the Ship "Somersetshire" for the Colony under your Government. I have, &c.,

Assignment
of convicts on
the transport
Somersetshire.

HENRY GOULBURN.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 7 April, 1814.

I am directed by Lord Sidmouth to Transmit to you the within assignments of Two Hundred Male Convicts, which embarked for New South Wales in the Ship Surrey, and the like number on board the Somersetshire. I also enclose a List of the Female Convicts (122) embarked in the Broxbornebury; and I am to desire that You will lay the same before Lord Bathurst, and move his Lordship to be pleased to forward the same to the Governor of New South Wales by the Ship Somersetshire, which is now at Portsmouth under sailing orders for that Colony.

Assignment
of convicts on
the Surrey,
Somersetshire,
and Brox-
bornebury.

I am, &c.,

J. BECKETT,

[Sub-enclosure.]

[Copies of the assignments of convicts are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 7 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Government House, Sydney, 7th May, 1814.

1. Since closing my Despatches of the 28th and 30th Ulto., some occurrences have been Communicated to me, which, altho' of no very serious Importance at the present time, I feel it my duty to apprise your Lordship of.

1814.
7 May.

Seizure of
the sloop
Speedwell
by convicts
at Newcastle.

2. In the course of the Night of the 7th Ult. four Convicts, who had been sent from hence to Newcastle as a punishment for various offences, seized upon a small vessel there, called the Speedwell of Sydney, Burthen 21 Tons, and carried her off, having first Severely beaten the Master and one Seaman, who happened to be the only persons on board at the time. As soon as they had got the Vessel completely under weigh and free of the Harbor, they Sent the Master and Seaman on Shore in a Small boat, which they had previously Secured for the purpose of conveying themselves on board the Speedwell. This Vessel having been Scantily Supplied with Provisions and Water, it is not very likely that they will be enabled finally to effect their escape from hence, but they have not yet been heard of. The men who committed this Act of Piracy are of very desperate characters, and in order to their being apprehended, and sent out hither again, if they should happen to return to England, I transmit your Lordship herewith a list of their names with their Places and Times of Trial, sentences, and Ships arrived by.

Depredations by
bushrangers in
Tasmania.

3. At the Settlements in Van Diemen's Land, and particularly in the neighbourhood of Port Dalrymple, some very violent Excesses have been lately committed by Bands of run-away Convicts, headed by two persons, who lately held official and creditable Situations under this Government, namely Peter Mills, late Acting Deputy Surveyor of Lands, and George Williams, lately Acting deputy Commissary of Provisions at Port Dalrymple. These Banditti Support themselves by plundering the Houses, and driving off the Cattle, of the unfortunate Settlers, who are not at present Sufficiently numerous to defend themselves against these aggressions. Headed by two active and desperate Fellows, Such as Mills and Williams, it will be necessary Speedily to adopt some strong measure to reduce these deluded wretches to submission, and for that purpose, I am now devising such as appears to me most likely to produce the desired object, without resorting to Sanguinary Proceedings.

Murders
committed
by natives.

4. Some Hostilities have been lately exhibited in the remote parts of this Settlement by the Natives, who have killed one Soldier and three other Europeans. In consequence of this Aggression, I dispatched a small military Party to the disturbed District, on whose approach the Natives retired without being attacked or Suffering in any degree for their Temerity. In the course of this Business, I have caused enquiry to be made into the Motives that might have produced it, and from thence I have learned that Some idle and ill disposed Europeans had taken Liberties with their Women, and had also treacherously attacked and killed a Woman and her two children whilst Sleeping, and

Causes of the
murders.

this unprovoked cruelty produced that retaliation whereby Persons perfectly innocent of the Crime lost their lives. Having had their Revenge in the way they always Seek for it, I am not at all apprehensive of their making any further attacks on the Settlers unless provoked, as before, by Insults and Cruelties.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

LIST of Four Convicts who Piratically Seized and ran away with the Sloop Speedwell from Newcastle on the 7th April, 1814.

List of convicts
escaped in the
sloop Speedwell.

Name.	Tried.		Sentence.	Arrived by Ship.
	Where.	When.		
Joseph Burridge	Kent	-- March, 1813 ..	14 years..	Genl. Hewitt, 1814
John Pearce ..	Surry Ass's.....	28 March, 1810 ..	Life	Indian Barclay, 1810
Edward Scarr ..	Cambridge Ass's.	13 March, 1810 ..	Life	Adl. Gambier 2d, 1811
Herbert Stiles..	Calcutta, Bengal, for Piracy.	4 Decr , 1809 ..	Life	Brig Eagle, Mackay Mast., 17 Feby., 1811

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per brig James Hay.)

Sir,

Sydney, N. S. Wales, 12th May, 1814.

12 May.

1. By the Arrival of the Ship, Three Bees, with Male Convicts on the 6th Instant, and Since closing my Dispatch of the 30th Ultimo, I have had the honor to receive your Letters under dates 28th September and 13th November, 1813, the latter enclosing copy of a Memorial from George Bruce, addressed to the Secretary of State for the Colonies.

Despatches
acknowledged.

2. I have perused the above mentioned Memorial, and, in obedience to the Commands of the Secretary of State, beg leave to submit for His Lordship's information the following remarks thereon: namely, 1st. The assertion, made by George Bruce in his Memorial in regard to my having advised him to go to England, is totally unfounded, having gone thither entirely of his own Accord. He was greatly involved in Debt here, and to avoid paying them he entered himself as a Sailor on board His Majesty's Ship Porpoise, and returned to England in her in May, 1810. 2nd. George Bruce (who went by the name of Druse in this Country) came originally a Convict to this Colony, Deserted from the Government Vessel Lady Nelson at New Zealand, where he remained, and afterwards married the Daughter of the Chief Tippahce. 3rd. I believe he went to Bengal in the

Inaccuracy of
statements by
Bruce.

Previous career
of Bruce.

1814.
12 May.
Impostures
practised in
Bengal by
Bruce.

Maori contempt
for Bruce.

Character
of Bruce.

Bruce to be
prohibited from
returning to
the colony.

17 May.
Declaration
of peace.

manner he describes, and practised gross impostures on that Government, representing himself as a Prince of New Zealand, and as being a man of great consequence there, by which means he obtained considerable Sums of Money from the Bengal Government, and a Passage to this Colony, where he arrived about the time of my assuming the Government of it. 4th. It is not true that George Bruce, alias Druse, possesses any interest or authority in New Zealand, where he is, on the contrary, much despised and disliked, on account of his ill usage and neglect of his wife, the daughter of the Chief Tippahee, by whom he had an only child (a girl), who is now Supported in the Female Orphan School at Sydney; the poor unfortunate mother having died here some little time before her Husband returned to England in the Porpoise, and by whom she was most shamefully and cruelly neglected in her last illness. 5th. To conclude these remarks, I must observe that George Bruce (whose character is perfectly well known in this Country) is a man of no principle whatever, of desperate Fortune, much given to drunkenness, and every kind of dissipation, and of most profligate manners in all other respects.

3. I therefore strongly recommend that George Bruce, alias Druse, may never be permitted to return to this Country nor to New Zealand; in which last, instead of doing any good, he would do a great deal of injury and mischief, both to the Natives of that Country, and to such European Traders as might chance to touch there.

I have, &c.,
L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 17th May, 1814.

I transmit to you for your information and Guidance a Proclamation declaring the Cessation of Arms agreed upon between His Majesty and enjoining the observance thereof.

I have, &c.,
BATHURST.

[Enclosure.]

[A copy of the proclamation is not available.]

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per brig James Hay.)

Sir, Sydney, N. S. Wales, 17th May, 1814.

Services of
Thomas Alford.

1. Thomas Alford, an Old and very faithful Servant to Government, and who has been for upwards of Twenty five years in this Colony, the greater part of which time he had served as

Head Government Gardener to the entire Satisfaction of every Successive Governor, having determined to pass the remainder of his days in this country, is particularly desirous to have his wife (who is still alive in England) and any of his family who may be willing to accompany her, Sent out to join him, provided it could be done without any expence, which he is unable to defray.

1814.
17 May.

Request for free
passage for
Mrs. Alford
and family.

2. I have therefore to request you will be so good as to move Lord Bathurst to have the Goodness to order a Passage to be found for Thomas Alford's Wife and Such of her family, as may wish to accompany her, at the expence of the Government on board of one of the first Convict Ships from England to this Colony.

3. The following is Mrs. Alford's Address, viz. Mary Alford, Curry Rivle, near Taunton, Somersetshire, England. I also enclose a letter from her Husband for her, which I take the liberty to request you will have the goodness to forward, and shall esteem it a favor if you will be so good as to give the necessary facility to the request contained in his Letter being complied with.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

24th May, 1814.

24 May.

1. The long and unexpected Delay, that has taken place in the Sailing of the Brig, James Hay, from hence for England, affords me the opportunity of now reporting to your Lordship that since the date of my General Dispatch of the 28th Ult. (by the present conveyance) the two Convict Transports, Catherine and Three Bees, have arrived with convicts from Ireland. The Catherine, commanded by Captn. William Simmonds, arrived on the 4th Instant with ninety seven female Convicts, one only having died on the Passage, and the Three Bees, commanded by Captn. John Wallis, arrived on the 6th inst. with two hundred and ten male Convicts, out of 219 originally embarked, the other nine having died on the passage; and out of those landed, it has been necessary to Send fifty five to the Hospital many of them being much affected with Scurvy and others labouring under various complaints. On enquiring into the cause of this mortality and Sickness, it appeared that many of them had been embarked in a bad state of health, and not a few infirm from lameness and old age. I am happy in being enabled

Arrival of the
transports
Catherine and
Three Bees.

Mortality and
sickness on the
Three Bees.

1814.
24 May.

Testimony
in favour of
masters and
surgeons.

Arrival of
John Palmer
and a military
detachment.

Female convicts
to be sent to
the Derwent.

Destruction of
the transport
Three Bees
by fire.

to state that the Convicts arrived by the Catherine and the Three Bees have, without a Single Exception, borne grateful Testimony to their having been treated with the most unremitting care, Attention, and kindness, by the Masters and Surgeons of those Vessels, from the day of their Embarkation until they were finally landed here. The circumstance of several of those unfortunate men being embarked in a diseased or feeble State will, I trust, shew the necessity for greater attention being paid to the state of the Health of the Convicts, who are to be embarked in future, which I have much reason to believe has not been so fully attended to by the Examining Surgeons as Humanity demands.

A Detachment of Four Subaltern Officers and thirty eight Soldiers of the 46th Regt. arrived by the Three Bees, having acted as a guard over the male convicts on board, and by this Vessel John Palmer, Esqr., arrived with the appointment of Assistant Commissary General.

2. The Settlement in Van Diemen's Land being much in want of Women, I have embarked Sixty of those arrived by the Catherine for thence on board His Majesty's Colonial Brig Kangaroo, with the Intention of dispatching her in a few days for the Derwent.

3. A most unfortunate Accident took place in Sydney Cove immediately in front of, and at a very short distance from Government House on Friday evening last, which I have now to relate to your Lordship. At about 5 o'clock in the evening the fine new Ship Three Bees was discovered to be on fire, and so rapid and violent was the Burst of the Flames when the Hatches were accidentally raised, that all effort at Extinguishing them was rendered totally useless, and must have been attended with the utmost risk to those who should have attempted it. The danger arising from the ordinary effect of Fire being increased beyond all calculation by the consideration that a very large quantity of Gunpowder was deposited Immediately adjoining the place from whence the Flames first proceeded. No alternative was left to the Ship's Company but an immediate abandonment, which fortunately took place without any accident whatever. At this Crisis, little short of the total Destruction of the Town of Sydney was expected every moment to take place by the Explosion of the Magazine. The alarm was so great that numbers of the Inhabitants deserted their Houses, and fled into the Country to avoid being buried in its ruins. Fourteen Guns, Some loaded with Ball and some with Grape Shot, exploded, Sending their Contents in Various directions, as the Ship drifted, through the Town, fortunately, however, without doing any damage further than the breaking a window in the Naval Officer's

House and Shattering a Writing Desk that lay within it. At this time a light breeze blowing off the Shore, and the Cable being cut, the Vessel drifted to the extremity of the Cove where she Struck on some projecting Rocks called Bennelong's Point, and here the expected explosion took place. Owing to some circumstance, which cannot be otherwise accounted for than by Supposing that the Ship had previously taken in water, and wetted the powder, the Explosion did not occur till nearly two Hours after it was expected, and was not by any means so tremendous as there was reason to suppose it would have been. The alarm for the Town and the Shipping in the Cove was now at an end, but the Fire did not cease its ravages until the fine Ship was burnt down to the Water's Edge, which took place in about Six hours from the first Discovery. This unfortunate accident is attributed to Some carelessness on the part of a Tailor, who had charge of a lighted Candle in the morning in that part of the Hold whence the Flames proceeded, and who is Supposed to have put it out in a careless manner, dropping Some of the Snuff of it in an unextinguished state at his Feet.

1814.
24 May.
—
Destruction of
the transport
Three Bees
by fire.

The Government Stores and Provisions, which had been sent out in her, had been fortunately landed (with the exception of a Small quantity of wet Provisions) previous to this lamentable occurrence. The unfortunate Commander, Surgeon, Officers and Crew were obliged precipitately to abandon the Ship, leaving all their property of every kind to be destroyed in the general Conflagration, and they are now without other Support than what arises from the Contributions of the humane and benevolent.

Losses sustained
by the crew of
the Three Bees.

4. The Settlers having been some time ago extremely negligent in bringing in their grain to His Majesty's Stores at a time when it was much required, I considered it my duty to express my Sentiments very fully to them on the Ingratitude thus exhibited for the various Benefits they had derived from Government, and I admonished them to beware of the consequences of persevering in this obstinate line of conduct at such a time of distress, arising from the apprehension of a general Scarcity of Grain in the Country. This admonition I published in a General Order on the 5th of February last, and I am happy to say it has produced the desired and best Effects on the Settlers, many of them have brought forward their Grain (tho' at an advanced price) for the use of Government, and have also cultivated more ground, and Sowed more wheat this Season than they had done for the two previous years.

The supply
of grain to
government
by settlers.

5. For the purpose of giving the foregoing Order the greatest Degree of Publicity, I gave Directions that it should be read during the time of Divine Service, on two Succeeding Sundays,

General order
to be read
in church.

1814.
24 May.

Refusal of
Rev. S. Marsden
to read order
in church.

by the respective Chaplains at the Several Churches or Places of Worship in the Colony. I have now to inform your Lordship that Mr. Marsden, the Principal Chaplain (who is permitted as a matter of Indulgence to reside and perform the Clerical Duties at Parramatta, instead of at Head Quarters) declined reading this General Order for the Second time, on the ground that it was Irregular and Improper to read Such Orders in Churches. This was his explanation when required to account for the Disobedience of Orders, and it is the more unaccountable, as he had never before declined reading Similar Orders, or hinted the Slightest objection thereto. Considering his conduct highly improper and disrespectful, I have cautioned Mr. Marsden to beware of resisting my Commands in this way for the future, as he shall answer for it at his peril. I have at the Same time directed him, if he should feel any real conscientious objections to this Duty, to appeal to the Archbishop of Canterbury as the Head of the Church, and I told him that I should not fail to lay the matter before your Lordship in the manner I have now done. I do myself the Honor to transmit for your Lordship's Consideration a Copy of the General Order that produced this resistance on the part of Mr. Marsden, on which I respectfully Solicit your Lordship to be pleased to take the opinion of the Archbishop of Canterbury and to honor me with it, and your Lordship's own Commands to regulate my future conduct by. At present it is my opinion that whatever has a Tendency to benefit the Community in a material Degree (as was the object of the Order in question) cannot be improper to be made public during the time of religious worship, and I consider Mr. Marsden's objections as very frivolous and ill founded, arising from Illiberal Sentiments and bigotted Principles, which on all occasions pervade and strongly mark his Conduct both on political and religious Subjects.

Appropriation
of stores by
acting
commandants.

6. Having found that some Officers holding temporary Commands at the subordinate Settlements have been in the habit of appropriating many and various Articles from the King's Stores to their own use at the Government Price, that have frequently been required afterwards for the necessary purposes of Government itself, and, by being thus withdrawn, have laid Government under the necessity of purchasing Similar Articles at an exorbitant price from private merchants, and being desirous to repress this unmilitary practice, I issued a General Order under date the 24th of March last prohibiting Such practices for the future. A Copy of this Order I now do myself the Honor to transmit herewith, and trust it will meet your Lordship's approbation.

7. Practices of a very improper and reprehensible nature existing also in the Commissariat Department here, I have found it my Duty to restrain them by every means in my Power, and for this purpose, among other measures I issued a General Order on the 30th Ult. denouncing the several punishments against those, who should further violate the Duties prescribed to them in their Several Departments of the Commissariat. Considering the occasion of admitting a New Clerk into the Commissariat a good opportunity for the promulgating this Order, I issued it on the day that Mr. George Johnstone Succeeded to Mr. Brodie, who has been convicted of malpractices, and consequently dismissed his Office. I do myself the Honor to transmit your Lordship a copy of this Order, which I hope will have the desired effect, and meet your Lordship's approbation.

1814.
24 May.

Illicit practices
of officials in
commissariat
department.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDER.

Secretary's Office, Sydney, Saturday, 5th Febr., 1814.

THE Governor has observed with great regret the reluctance of the Settlers in general throughout this Colony in Coming forward to Supply His Majesty's Stores with Grain in the present alarming Season of Scarcity; and that instead of Manifesting a due Sense of Gratitude for the repeated Favors and Indulgences they have received from Government, they seem determined to take every Advantage of its Necessities by withholding their Tenders to as late a Period as possible, to give them an Opportunity of exacting a most exorbitant Price for their Grain, knowing that it must be submitted to from the Necessities of the Times.

General order
re the supply
of grain by
settlers to the
public stores.

The Conduct of those Persons, who Stand Considerably indebted to the Crown for Cattle issued to them from the Government Herds, as well as for Various Articles which have been furnished them on Credit from the King's Stores, is Still more inexcusable and reprehensible in their not Coming forward with their Grain at Such a Crisis. Such Persons can no longer expect any Lenity or Forbearance; and the Governor will accordingly direct that they Shall be Sued for their respective Debts at the Next Court of Civil Jurisdiction. Settlers of a different description, and especially those who are in Opulent Circumstances principally Owing to the Assistance they have derived from the Bounty of Government in Originally granting them Lands,

1814.
24 May.

General order
re the supply
of grain by
settlers to the
public stores.

Stock, Provisions, and Government Men to Cultivate their Grounds, ought to have been the first to Come forward at Such a Season to Supply Government with Such Grain, as they Could Conveniently Spare, at a reasonable and Moderate Price. The Governor, however, laments to find he has been disappointed in almost every Instance, and therefore Conceives it a Duty he owes to the Crown, and to the Trust reposed in him by His Majesty, to signify to the Settlers of this Colony in this Public Manner, that unless he shall find in their future Conduct more promptitude in Coming forward to Supply His Majesty's Stores with Grain on reasonable Terms, and discharging the Debts they have incurred to the Crown, he shall be under the painful Necessity of resorting and Entirely trusting to Foreign Markets for Supplying the King's Stores with Wheat and Such Other Grain as may be required; Which it may not be amiss to remind them Can be done at half the Price, now paid for that purchased in this Colony. The Governor, however, will only reluctantly resort to this expedient; and only in the Event of the Settlers manifesting the same disposition at the Ensuing Harvest they have shewn on the present Occasion. The Governor, therefore, trusts this Communication of his Sentiments will have its due Effect on their Minds, and that they will see the Necessity of Observing a more fair and becoming Line of Conduct in future. He also Strongly recommends to the lower Class of Settlers to adopt Habits of Industry and Sedulous Attention to the Cultivation of their Farms, so as to provide a Sufficient Quantity of Grain, not only for the Consumption of their Own Families, but to Enable them to Supply the Government with this Article at a reasonable rate.

Whilst the Governor has thus had Occasion to animadvert on the reluctance of the Settlers in general to furnish their Grain to Government, he is desirous thus publicly to make his Acknowledgements to One Individual Settler, namely Thomas Gilberthorpe in the District of Pitt Town. This Person was the first to Come forward in the present Season of Scarcity with the lowest and most reasonable Tender to Supply Government with all the Wheat and Maize he Could Spare, And Was the Only Settler in the Colony, who last Year delivered into the Store the Complete Quantity he had tendered at the Stipulated Rate, altho' the Grain had advanced in Price Considerably after he had Sent in his Original Tender. Such an instance of fine and upright Conduct is Entitled to The Governor's present Commendation and Acknowledgement, with an Assurance that his Meritorious Conduct on both the Occasions alluded to Shall not pass unrewarded.

The Governor directs the foregoing General Order to be read on Sunday, the 13th, and Sunday, the 20th Inst., by the Chaplains in the Several Churches of the Colony.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL.

1814.
24 May.

General order
re the supply
of grain by
settlers to the
public stores.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDER.

Head Quarters, Sydney, Thursday, 24th March, 1814.

FROM Circumstances of recent Occurrence, His Excellency the Governor and Commander in Chief feels it incumbent on him to observe that, in the general or other Instructions given by him from Time to Time to the respective Commandants of the Out settlements of the Territory of New South Wales, or its Dependencies, he never did authorise, or in the remotest Degree sanction, any of those Officers to appropriate Spirits, Provisions, or Stores of any other Kind (being the Property of the Crown and under their immediate Protection) to their own private Use and Emolument, as will clearly appear by Reference to those Instructions, and to the Scale or Schedule of Annual Distribution of Spirits regularly attached to them.

General order
prohibiting
all deviation
from scale for
distribution
of spirits and
public stores.

It is with much Concern that the GOVERNOR has now to remark that those Instructions have not been invariably adhered to, and that a very opposite Line of Conduct has been in some Instances acted upon, to a very considerable Extent, to the great Prejudice of the Public Service and contrary to the true Spirit of those Instructions.

His Excellency, therefore, deems it expedient peremptorily to order and direct that no Officer, in whatever Station of Command he either is now, or shall be hereafter placed under his Government, shall apply any Portion of Spirits, Provisions, or other Government Stores, entrusted to his Charge, to his own private Use and Emolument, or to that of any other Individual on the Pretence of paying for them at the Government Price, other than their own regular Rations and the Quantity of Spirits, sanctioned by his Instructions and Schedule of Distribution thereto annexed; which Schedule equally applies to himself (the GOVERNOR) and to the several Officers, Civil and Military, and Licensed Publicans within the Limits of his Command.

His Excellency has only to add that, in Cases of particular Emergency, Reference may be made to Him, who, in the Exercise of his supreme Authority, will determine on the Propriety and Expediency of sanctioning any occasional Deviation from

1814.
24 May.

the general Scale of Distribution of Spirits above alluded to, and from which he has not personally ever deviated.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor and Commander in Chief, J. T. CAMPBELL, Secretary.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

Secretary's Office, Sydney, Saturday, 30th April, 1814.

General order prohibiting commissariat officials from indulging in private trade.

It having been proved, in Evidence before the late Court of Criminal Jurisdiction, that a subordinate Officer in the Commissariat Department at Sydney had conducted himself in a most fraudulent Manner, and been guilty of a shameful Breach of Trust in the Execution of the Duties of his Office, and he, having in his Defence, endeavoured to establish that the Sales of the Government Stores, which he was convicted of having made, arose out of a private Trade in which he avowed himself to be concerned, HIS EXCELLENCY the GOVERNOR deems it necessary to publish, for the more full Information and Guidance of all Officers and Persons employed in the Commissariat Department in the Territory of New South Wales and its Dependencies, the following Extract from the printed Instructions of the Lords Commissioners of His Majesty's Treasury to a Commissary General, namely the 38th Article:—

“You are faithfully and honestly to discharge the Duty and Trust reposed in you. You are not to carry on or be concerned in any Trade whatever, or directly or indirectly to derive the smallest Advantage from your Situation beyond the stipulated Pay and Allowances of your Rank, under pain of being brought to a General Court Martial, and you are to adopt every possible Precaution to ensure an Adherence to this Article on the Part of your Deputies, Assistants, and all others employed under you.”

Which recited Article HIS EXCELLENCY trusts will remove every Doubt, which might be possibly entertained, upon the Competency of a Person filling any Situation in the Commissariat Department, and being concerned at the same Time in private Trade.

The Regulation contained in the foregoing Article being absolute and of the utmost Importance to the Public Service, HIS EXCELLENCY trusts that, after the present Promulgation of it, Officers and other Persons employed in the Commissariat Department will pay the most implicit Obedience to it, without further Instructions on that Subject, HIS EXCELLENCY being determined to punish every Deviation from it in the most exemplary manner.

The Public are also hereby apprised that as no Officer or other Person in the Commissariat Department is authorised or warranted in carrying on any private Trade, such Articles, as may be purchased of them, will be considered as stolen Goods, and the Purchasers prosecuted accordingly.

1814.
24 May.
General order prohibiting commissariat officials from indulging in private trade.

No private Goods, Merchandize, or Stores of any Kind, are in future to be permitted to be deposited in any of His Majesty's Stores in this Territory (such only excepted, as may be bonded or deposited for Government Public Purposes, or by the special Authority of the GOVERNOR), such Indulgences being subject to much Abuse and liable to be rendered subservient to fraudulent Purposes.

The GOVERNOR further orders and directs that in future the Deputy Commissary General shall furnish Him with Quarterly Returns of the exact Quantity of Dry and Wet Provisions in His Majesty's Stores and Magazines, at Sydney, and the several subordinate Settlements in New South Wales; said Returns to be made up to the 31st of March, 30th June, 30th September, and 31st December, each of the said Days inclusive in each Year.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 of 1814." per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Government House, Sydney, 28th May, 1814.

28 May.

1. A Most Violent and destructive Hail-Storm took place here on the 10th of March last, which from the Injury it has done both to the Houses of private Persons, and to the Government Buildings, I feel Myself under the Necessity of representing it to Your Lordship.

Occurrence of a violent hail storm.

This Storm, which Came on Nearly at Mid-day, lasted about fifteen Minutes, the Wind blowing Strong from the South-West; the Hail Stones so far Surpassed in Size and Varied so much in Shape from Any other Hail, that I have ever seen, that I think I should better describe them as irregular Fragments of Ice than as Hail Stones, Many of them being from 2 to 3 Inches in Length, and Nearly as Much in Circumference; these, being Drifted by a very Strong Wind, Struck with such Violence against the Windows facing to the Southward and Westward, that almost every Pane of Glass throughout the Town in those Directions was broken to pieces.

Damage caused by hail-stones.

That Aspect of the Town, which received the Injury, presented on the following Day just Such a shattered Appearance as Might be Expected from a great Explosion of Gun-Powder.

1814.
28 May.
Destruction
of glass, and
requisition for
further supplies.

The Quantity of Glass, thus destroyed in the Government Buildings demanding A large Supply to make good the Injury, and having also accommodated some private Persons, Who had Suffered Severely by the Storm, from the Supply of Glass in the Government Stores, which was almost the only Glass at that time in the Colony, the Quantity now remaining in it is at a very low Ebb. In Consequence of this Circumstance, I am under the Necessity of forwarding, by the present Occasion, a supplementary Estimate for Window Glass, which will be required for the new Barracks and other Public Buildings now in progress, and in Contemplation at Sydney, and I respectfully Solicit Your Lordship to give the necessary Directions for its being Complied with.

Compensation
accepted by
John Hartley.

2. Since Closing my Dispatch respecting Mr. John Hartley, that Person has Applied for and received the pecuniary Remuneration, which had been formerly tendered him by My Order, for the Disappointment he had Suffered in Not Succeeding to the Situation of Naval Officer. In Consequence of his receiving this Remuneration, A Release and Acquittance has been Signed and perfected by Mr. Hartley, in Triplicate, Whereby he has relinquished All further Claim on Government on this Account. One of these Releases, I now transmit herewith for Your Lordship's Information and Guidance. Mr. Hartley now proceeds to England on board the James Hay, which is the Vessel I have now the Honor to address Your Lordship by.

Departure of
Hartley in brig
James Hay.

3. With a view to Inducing the Bandittis of Run-away Convicts in Van Diemen's Land (whose Depredations I have, in a Dispatch by this Occasion, Communicated to Your Lordship) to return to their Duty and Allegiance, I have Issued a Proclamation, Under date the 14th Inst., holding out an Indemnity for their past Crimes (Murder Excepted), provided they shall Surrender themselves within the time limited in the Proclamation.

Proclamation
of a conditional
amnesty for
bushrangers.

Your Lordship will receive herewith a Printed Copy of this Proclamation, Which I trust Your Lordship will approve of.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

Requisition for
window glass.

SUPPLEMENTARY ESTIMATE for 200 Boxes of Window Glass for the use of His Majesty's Colony of New South Wales.

Viz:

100 Boxes 50 feet each	.....	12 x 10
50 Do.	Do.	10 x 8
50 Do.	Do.	9 x 7

Sydney, New South Wales, 27th May, 1814.

L. MACQUARIE.

[Enclosure No. 2.]

1814.
28 May.

DEED OF RELEASE BY JOHN HARTLEY.

John Hartley's
deed of release
and acquittance.

His Majesty's Territory of New South Wales.

Know all Men by these Presents that I, John Hartley, of Sydney, Gentleman, for and in Consideration of the Sum of Three Hundred and Eighty Pounds good and lawful Money to Me in hand Well and truly paid by D'Arcy Wentworth, Esquire, Treasurer of the Colonial Police Fund of this Territory (by Order and for Account of this Government), the Receipt Whereof I, the Said John Hartley, Do hereby acknowledge, Have remised, released, discharged, and for ever renounced and Surrendered All and All Manner of Claim, and by these Presents for Myself, My Heirs, Executors and Administrators, for ever renounce and Surrender All and All Manner of Claim on the British and Colonial Government for and by Reason of any Loss of time or Disappointment by Me Sustained in Not having been placed in the Situation of Naval Officer of this Port, agreeably to the Right Honorable Lord Castlereagh's Original Intention in that behalf. And Further Know Ye that, by Reason and in Consideration of my having received the above Sum, being an Allowance of five Shillings per diem from the Eighteenth day of August in the Year one thousand, Eight Hundred and Nine, being the Period of my Arrival from England at Port Jackson up to the fifteenth day of October, One thousand Eight Hundred and thirteen now last past, both Days inclusive, on which said last Mentioned Day, I received Official Notification from His Excellency Lachlan Macquarie, Esquire, Governor in Chief of this Territory, that I was not to be permitted to hold the Appointment of Naval Officer aforesaid, I do accept the Said Sum of three Hundred and Eighty Pounds in full Satisfaction and Compensation for not having been placed in the Situation of Naval Officer as aforesaid, and renounce All Claim to any further Remuneration on that Account. In Witness whereof I, the said John Hartley, have hereunto Set my Hand and Seal to the three Separate Instruments, All of the Same Tenor and date, the Twenty Seventh Day of May, in the Year of our Lord, One thousand, Eight Hundred and fourteen.

JN. HARTLEY.

Sealed and delivered (No Stamps being Used in this Settlement) in Presence of

ROBERT JONES.

THOS. STYNDES.

App'd: L. MACQUARIE.

1814.
28 May.

Proclamation
of a conditional
amnesty to
bushrangers in
Tasmania.

[Enclosure No. 3.]

PROCLAMATION RELATING TO BUSHRANGERS.

Proclamation.

By His Excellency Lachlan Macquarie, Esquire, &c., &c., &c.
WHEREAS Peter Mills, late Acting Deputy Surveyor of Lands at His Majesty's Settlement of Port Dalrymple, Van Diemen's Land, in the Territory of New South Wales, and George Williams, late Acting Deputy Commissary of Stores and Provisions at the said Settlement, have unlawfully absconded and fled from their usual Habitations and Employments at the said Settlement into the Woods and retired Places in the Neighbourhood of the same, with Intent to evade the Law, and defraud their just Creditors, and with Intent to support and maintain themselves by Rapine and Violence, have there armed themselves, and feloniously confederated with, and put themselves at the Head of divers profligate and disorderly Persons (as well Convicts as others), also armed, who have at various times fled from the Service of Government, or from other their lawful Masters and Employers, at His Majesty's Settlements in Van Diemen's Land, into the Woods or retired Places in the Neighbourhood of the said Settlements to lead a Life of Idleness and Debauchery, or to avoid the Punishment due to their Offences.

And whereas the said *Peter Mills* and *George Williams*, and the other profligate Persons aforesaid, being so armed and confederated together, as aforesaid, for unlawful and wicked Purposes aforesaid, and in fulfilment of the same have feloniously and wickedly committed many atrocious Robberies and Depredations upon the peaceable Inhabitants of the Settlements, by feloniously and violently driving away and stealing their Sheep and Cattle, and feloniously, violently and burglariously breaking into their Houses, and then and there stealing divers of their Goods and Chattels, to the great Damage and Terror of His Majesty's Subjects in the said Settlements, and the utter Subversion of all good Order and Government:—It is therefore hereby ordered, declared, and publicly notified by *His Excellency Lachlan Macquarie, Esquire, Captain General, Governor and Commander in Chief* as aforesaid, that the said *Peter Mills* and *George Williams*, and also the several Persons hereafter named, namely:—

James Campbell	George Baxter	Thomas Mills
John Ricketts	Charles Baxter	Randal Fore
Michael Howe	William Elliot	John Creswell
Edward Bageant	John Whitehead	Bartholomew Foley
Moses Davis	Thomas Burrell	William Russel
George Moore	Thomas Starkey	James Dalton
John Bould	Richard Forrest	John Rose
John Davis	Morris Healey	Thomas Stewart
John Lee	George Jones	William Taylor

Shall, and they are hereby severally required in the Name and on the Behalf of His Majesty, peaceably, and upon their Allegiance as Subjects of His Majesty, to return to His Majesty's Settlements of Hobart Town and Port Dalrymple, in Van Diemen's Land aforesaid, on or before the First Day of December next ensuing the Date of this Proclamation, and then and there severally to surrender themselves to one of His Majesty's Justices of the Peace, or to the Chief Constable in the said Settlements, or either of them. And it is further ordered and declared by the Authority aforesaid, that if the said several Persons above named, or any or either of them shall make Default in, or shall neglect or refuse to surrender himself or themselves at the Time aforesaid, to one of His Majesty's Justices of the Peace, or to the Chief Constable at the said Settlements, or either of them, they shall severally be deemed and taken to be Outlaws, and be dealt with and treated accordingly.

1814.
28 May.

Proclamation
of a conditional
amnesty to
bushrangers in
Tasmania.

Provided Nevertheless, and it is hereby, and by the Authority aforesaid, declared, promised, and publicly notified to the said several Persons above named, that if any of the said several Persons shall, on or before the First Day of December next, surrender himself or themselves in Obedience to this Proclamation, and according to the Tenor and Intent thereof, and shall peaceably return to their lawful Occupations, he or they so surrendering himself or themselves, and returning to their lawful Occupations as aforesaid shall be pardoned, and saved harmless from all Offences (save and except the Crime of Wilful Murder) by him or them committed during his or their unlawful Absence from their respective Habitations and Employments as aforesaid, any Thing herein contained to the Contrary notwithstanding.

Given under my Hand, at Government House, Sydney, this
Fourteenth Day of May, 1814.

LACHLAN MACQUARIE.

God Save the King!

By Command of His Excellency,

JOHN THOMAS CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 10 of 1814." per brig James Hay; acknowledged by Earl Bathurst. 4th December. 1815.)

My Lord, Sydney, N. S. Wales, 28th May, 1814.

I do myself the honor of transmitting to Your Lordship herewith the Series of the *Sydney Gazettes* from the 26th of June, 1813 (when last sent), up to the 21st of the present Month of May inclusive.

Transmission
of *Sydney*
Gazettes.

I have, &c.,

L. MACQUARIE.

1814.
1 June.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 30, per brig *Emu*; acknowledged by Governor Macquarie, 24th March, 1815.)

Sir, Downing Street, 1st June, 1814.

His Royal Highness The Prince Regent having been pleased to appoint Edward Abbott, Esq., to be Deputy Judge Advocate, and to preside in the Civil Court established by the new Patent for Van Diemen's Land, he takes his Passage direct for Hobart's Town in the Colonial Brig "*Emu*," with his Family, and I transmit a Copy of his Commission for your information.

I trust that the Ship "*Broxburnbury*," on Board of which Mr. J. H. Bent embarked, having in charge the new Patent, will have long ago arrived at Port Jackson; and I am to signify to you the Commands of His Royal Highness that, as soon as possible after the receipt of this Letter, you do send down to the Derwent such an authenticated Copy of that part of the Patent, which concerns Van Diemen's Land, as may be necessary for constituting the Court there in a regular and proper manner, and that you give such directions thereupon as may be necessary to the Lieut. Governor, who will swear in the Deputy Judge Advocate.

Mr. Abbott has received one year's Salary, at the rate of £600 *pr. Annum* to the 9th Day of February *next*, from which period his Salary will be included in the Parliamentary Grant; and, having been permitted to take with him from this Country a young Man with the appointment of Clerk of Court, who is to be allowed a Salary of £80 *pr. Annum* out of the Colonial Funds, I am to desire that you will direct Lieut. Governor Davie to issue Salary to Mr. John McNab at the above rate from the 8th Day of February last; and you will also give Instructions to Lieut. Governor Davie to give all such allowances and indulgences of Land and otherwise to Mr. Abbott, and the persons accompanying him, as have been given to the Civil Officers of the Colony of the same Rank at the Chief Settlement.

His Royal Highness has also been pleased to appoint Mr. Tims, late Provost Marshal at Norfolk Island to be Provost Marshal at Van Diemen's Land, and I inclose a Copy of his Commission. As it would be inconvenient to increase the amount of the Estimate, I am to desire that you will instruct Lieut. Governor Davie to pay Mr. Tims's Salary from the Colonial Fund at the rate of 5s. *per diem* from the period of his commencing the duties of his Office until his Pay can be included in the Estimate; and Mr. Tims having represented that he has received Pay as Provost Marshal and Superintendent of Norfolk Island only to the 4th April, 1813, I am further to desire that

Appointment of
Edward Abbott
as judge-
advocate in
Tasmania.

Certified copy
of charter of
justice to be
sent to
Tasmania.

Salary of
Abbott.

Salary of
McNab as
clerk of court.

Appointment of
Tims as provost-
marshal in
Tasmania.

he may be allowed half Pay at the rate of Two Shillings and Sixpence per day from that date to the period of his undertaking his Duties at Van Diemen's Land.

1814.
1 June.

I have, &c.,
BATHURST.

[Enclosure No. 1.]

COMMISSION TO EDWARD ABBOTT AS JUDGE-ADVOCATE IN VAN
DIEMEN'S LAND.

Commission to
Edward Abbott
as judge
advocate in
Tasmania.

In the Name &c.
George P.R.

George The Third, &c. To our Trusty and Well beloved Edward Abbott, Esqre., Greeting; We do by these Presents constitute and appoint you to be Deputy Judge Advocate of our Settlements in Van Dieman's Land on the Southern Coast of New South Wales; you are therefore carefully and diligently to discharge the Duty of Dy. Judge Advocate by doing and performing all and all manner of Things thereunto belonging, And you are to observe and follow such Orders and Directions from time to time as you shall receive from our Governor or our Lt. Governor of our said Settlements, or any other your superior officer, according to the Rules and Discipline of War. Given at our Court at Carlton House, the 8th Day of Feby., 1814, In the fifty fourth year of our Reign.

By Command of His Royal Highness The Prince Regent, In the Name and on the Behalf of His Majesty,

BATHURST.

[Enclosure No. 2.]

COMMISSION TO MARTIN TIMS AS PROVOST MARSHAL IN VAN
DIEMEN'S LAND.

Commission to
Martin Tims
as provost-
marshal in
Tasmania.

In the Name and on the Behalf of His Majesty.

George P.R.

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. To Our Trusty and Well beloved Martin Tims, Gent., Greeting: We do by these presents Constitute and Appoint you to be Provost Marshal to Our Settlements on Van Diemen's Land on the Southern Coast of New South Wales. You are therefore carefully and diligently to discharge the duty of Provost Marshal by doing and performing all and all manner of things thereunto belonging: And You are to observe and follow such Orders and Directions from time to time, as you shall receive from Our Governor or Our Lieutenant Governor of Our Said Settlements, or any other Your Superior Officer, according

1814.
1 June.

Commission to
Martin Tims
as provost-
marshal in
Tasmania.

to the Rules and Discipline of War. Given at our Court at Carlton House, the Thirty first day of May, 1814, In the Fifty fourth Year of Our Reign.

By Command of His Royal Highness, The Prince Regent, in the Name and on the behalf of His Majesty.

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per brig Emu; acknowledged by Governor Macquarie, 24th June, 1815.)

2 June.

Declaration
of peace with
France.

Sir,

Downing Street, 2nd June, 1814.

I have the satisfaction to transmit to you an Extraordinary *Gazette*, Published this day, stating that a Definitive Treaty of Peace and Amity between His Britannic Majesty and His Most Christian Majesty was signed at Paris on the 30th Ultimo.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per brig Emu; acknowledged by Governor Macquarie, 24th June, 1815.)

8 June.

Treaty of peace
with France.

Sir,

Downing Street, 8th June, 1814.

I do myself the honor of transmitting for your Information a Copy of the Definitive Treaty of Peace, signed at Paris on the 30th Ultimo, by the respective Plenipotentiaries of Great Britain and France.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 31, per ship Marquess of Wellington; acknowledged by Governor Macquarie, 24th March, 1815.)

5 July.

Appointment of
two solicitors
for service in
the colony.

Sir,

Downing Street, 5 July, 1814.

Mr. Bent will have delivered to you my Letter No. 29,* which informed you that two respectable Solicitors had been selected to proceed to N. So. Wales by an early opportunity, and that a Salary of £300 per ann. to each of them was to be defrayed out of the Colonial Revenue, and to commence from the 1st Day of Feb. of this year.

Departure of
Garling and
Moore from
England.

I am now to acquaint you that these Gentlemen, with their families, will sail in the Ships at present under Dispatch, Mr. Garling in The Francis and Eliza, and Mr. Moore in The Marquis of Wellington; and I beg leave to recommend both of them to your Notice and Protection. These Gentlemen are to be allowed every Privilege and Indulgence, which has hitherto been extended to the Civil Colonial officers of the higher Classes, and I flatter myself that they will be found not only useful to the

* Note 53.

Colony individually in their own Profession, but that the Procedure in the Courts of Judicature, which have been recently established, will be carried on in a manner which will in a great degree do away all the Inconveniences and Objections, which had been found to attend the Administration of Justice under that part of the Old Patent,* which His Royal Highness The Prince Regent has been pleased to revoke.

1814.
5 July.

Expected
advantages
of the
appointments.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 32, per ship Marquess of Wellington; acknowledged by Governor Macquarie, 24th March, 1815.)

Sir,

Downing Street, 6 July, 1814.

6 July.

H.R.H. The Prince Regent having been pleased to appoint Mr. John Drummond, who will deliver this letter to you, to be Naval Officer at Hobart's Town in Van Dieman's Land, I am to signify to you The Pleasure of H.R. Highness that you should instruct Lieut. Gov. Davie to make out a proper Warrant for this purpose, and, upon Mr. Drummond's Arrival at the Derwent, to put him into possession of the Appointment with a Salary of 5s. per diem to be paid out of the Colonial fund, and to commence from his taking upon himself the duties of the Situation. You will also direct Lt. Govr. Davie to extend to Mr. Drummond all the Privileges and Indulgences, allowed to other Colonial officers, and particularly to the Persons, who have done the duty of Naval officer at Hobart's town.

Appointment
of John
Drummond as
naval officer
at Hobart.

Mr. Drummond takes his passage in the Ship Marquis of Wellington, which is bound direct for Port Jackson, and you will take the earliest Opportunity of forwarding him and his family to Van Dieman's Land free of Expence.

Drummond to
sail in the ship
Marquess of
Wellington.

I have, &c.,
BATHURST.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Indefatigable; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir,

Downing Street, 8 Aug., 1814.

8 Aug.

I am directed by Lord Bathurst to transmit to you an Assignment of 200 Male Convicts, embarked in the Ship Surry, and a list of 132 Female Convicts, embarked on board the Ship Broxburnbury, for the Colony under your Government.

Convicts
embarked on
the transports
Surry and
Broxburnbury.

I have, &c.,
H. E. BUNBURY.

[Enclosures.]

[Copies of these two documents are not available.]

1814.
21 Aug.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir, Downing Street, 21 Aug., 1814.

Recommendation of J. Smith as a settler.

I am directed by Lord Bathurst to acquaint you that, having received a very favourable Report of the Character of Mr. J. Smith, his Lordship has given him permission to proceed as a Settler to New So. Wales.

If Mr. Smith should wish to settle at Sydney, you will give him a Town Lot, whereon to erect a house, together with such a Grant of Land as is usually allowed to Settlers of his Class; and if he prefers Van Dieman's Land, you will direct the Lieut. Governor to establish him at Hobart's town.

Mr. Smith having received the Permission of Government to become a Settler previous to the date of Lord Bathurst's Instruction to you to increase the Amount of the Quit Rents, he is to receive his Land upon payment of the old Quit Rent.

I have, &c.,

H. E. BUNBURY.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir, Downing Street, 21 August, 1814.

Recommendation of Wm. Wilson as a settler.

I am directed by Lord Bathurst to acquaint you that his Lordship has given permission to Mr. Wm. Wilson to proceed as a Settler to New So. Wales, and to desire that you will grant him an allotment of Land, and extend to him all the other Privileges and Indulgences allowed to Free Settlers.

I have, &c.,

H. E. BUNBURY.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 6th Septem., 1814.

6 Sept.

Examination of regimental paymaster's estimates.

I transmit to you herewith the Copy of a Letter, dated the 8th Ultimo, addressed to this Department by Command of the Lords Commissioners of the Treasury upon the Subject of the Examination of Regimental Paymaster's Estimates, And I am to desire that you will take the necessary measures for establishing the Mode of Examination, therein pointed out, as far as the same may be applicable to your Command in the subordinate Department alluded to.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

1814.
6 Sept.

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 8th August, 1814.

I am Commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the Copy of a Letter from the Paymaster General, of the 19th January last, relative to the Examination of Regimental Paymaster's Estimates; and I have to acquaint you that My Lords have directed the Commissary in Chief to give Instructions to all Commissaries of accounts that it is a part of their Duty to examine the Estimates of the Regimental Paymasters, which may be referred to them by the Commissioners of the Forces, previously to the Warrant being prepared for the issue of the Money; and it appearing to My Lords that it is a part of the duty of the Military Secretary to examine such Estimates on those Stations, where there is no Branch of the Department of the Commissariat of Accounts, I am to desire you will move Lord Bathurst to cause Communications to this Effect to be made to the several Officers Commanding on Foreign Stations.

I am, &c.,

S. R. LUSHINGTON.

[Enclosure No. 2.]

MR. CHARLES LONG TO THE LORDS COMMISSIONERS OF THE
TREASURY.

My Lords, Army Pay Office, 19th January, 1814.

It appearing that a very considerable Number of the observations of the Commissary General of Accounts upon the Accounts of Mr. Boys, Deputy Paymaster General in the Peninsula (as well as upon the Accounts of our Deputies on either Stations), relate to defects and irregularities in the *Estimates of Regimental Paymasters*, We take leave to state to Your Lordships that, as these Documents do not necessarily form any part of the Vouchers or Authorities of Our Deputies, such observations *on their Accounts* appear to Us to be irrelevant, and productive not only of great additional trouble to Our Deputies, but also of considerable delay in the examination of their Accounts and the transmission of them to Our Office. Your Lordships will be aware that the Estimates alluded to are made out for the purpose, as accurately as Circumstances will admit; the Account of all the Issues of Money required from time to time to be made on account of the Ordinary Services of each Regiment or Detachment, and as the Warrants of the Commander of the Forces, under the Authority of which Our Deputies make their payments, are prepared by or under the direction of the Commander in Chief's Military Secretary from those Estimates, We think it

Examination
of regimental
paymaster's
estimates on
foreign stations.Method to be
adopted in
examination
of estimates
of regimental
paymasters.

1814.
6 Sept.

Method to be
adopted in
examination
of estimates
of regimental
paymasters.

will be obvious to Your Lordships that any Defects or irregularities in them ought to be observed upon in the Military Secretary's Office, and the necessary corrections etc. made by the Regimental Paymasters, *previous* to the Warrants being prepared for issuing the Sums required by such Estimates. We therefore have the Honor to submit to your Lordships' consideration, that Arrangements be made for the proper examination of Regimental Estimates, *before* they are acted upon, either in the Office of the Commander in Chief's Military Secretary or by a Branch of the Department of the Commissary of Accounts being established on each Station, where necessary, at the most convenient place for that purpose, And should our proposition meet Your Lordships' approbation, We have to beg Your Lordships will be Pleased to give the necessary directions thro' the Commissary in Chief, or otherwise, for carrying it into effect in Order that the inconvenience We have stated, resulting from the present System, may be done away as early as possible.

We have, &c.,

CHARLES LONG.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

12 Sept.

Sir,

Downing Street, 12 Sep., 1814.

The
transportation
of Thomas
Langan.

I transmit to you herewith the Copy of a letter, which has been addressed to me by direction of His Majesty's Secretary of State for the Home Department, enclosing the Copy of one from the Rt. Honble. Robert Peel, which states the Circumstances attending the Transportation of a Convict, named Thomas Langan, from Cork to New South Wales in the Ship Anne in the year 1800. And I am directed by Ld. Bathurst to desire that this person may have permission to return to Ireland by the first Opportunity.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO MAJOR-GENERAL BUNBURY.

Sir,

Whitehall, 7th Septem., 1814.

Thomas Langan
to be permitted
to return to
Ireland.

I am directed by Lord Sidmouth to transmit to you the within Copy of a Letter, which has been received from The Right Honble. R. Peel, relative to a Man of the Name of Thomas Langan, who sailed from Cork for New South Wales in the Convict Ship "Anne" in June 1800, and to desire that you will lay the same before Lord Bathurst, and move His Lordship to be

Pleased to give directions to the Governor of New South Wales to permit the Person in Question to return to Ireland by the first Opportunity.

1814.
12 Sept.

I am, &c.,

J. BECKETT.

[Enclosure No. 2.]

THE RIGHT HON. R. PEEL TO UNDER SECRETARY BECKETT.

Sir, Dublin Castle, 2d Sept., 1814.

In the year 1799, a Man of the Name of Thos. Langan was, under the provisions of the Insurrection Act, ordered by the Justices at a Sessions, held in the County of Limerick, to be Transported for Seven Years as a disorderly Person, and who Sailed from Cork for New South Wales in the Convict ship "Anne" in June 1800. It is apprehended that a correct Certificate of the Said Thos. Langan's Sentence was not transmitted to New South Wales, the Vessel having Sailed without a regular list of the Convicts on board; and application being now made by the Grand Jury of the County of Limerick that he may be allowed to return to Ireland, his Term of Transportation having long since expired, I am directed by the Lord Lieutenant to desire that you will lay the matter before Lord Sidmouth, with His Excellency's request, that His Lordship will cause Instructions to be transmitted to the Governor of New South Wales to permit the said Thomas Langan to return to Ireland by the first Opportunity.

Sentence and transportation of Thomas Langan.

Non-transmission of correct certificate of sentence.

I have, &c.,

R. PEEL.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 33, per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 20 Sep., 1814.

20 Sept.

I transmit to you herewith the Copy of a letter, addressed to this Department by direction of the Lords Commissioners of His Majesty's Treasury, respecting Mr. Allen Cunningham and Mr. James Bowie,* who have been appointed Collectors of Plants for His Majesty's Botanic Garden at Kew; And I am to desire that during their residence within your Government you will afford every facility and assistance in your power to enable them to prosecute with Success the undertaking, in which they are engaged.

Appointments of Allan Cunningham and James Bowie as collectors of plants.

I am, &c.,

BATHURST.

[Enclosure.]

SECRETARY HARRISON TO MAJOR-GENERAL BUNBURY.

Sir, Treasury Chambers, 16 Sept., 1814.

The Prince Regent having signified His Pleasure that two Persons should be immediately appointed as Collectors of Plants for His Majesty's Botanic Garden at Kew, Mr. Allan

1814.
20 Sept.

Appointments
of Allan
Cunningham
and James
Bowie as
collectors of
plants.

Cunningham and Mr. James Bowie have been nominated by the Lords Commissioners of His Majesty's Treasury for this Service; and it having been represented to their Lordships that it will be of great importance to the success of this Undertaking that the Collectors should receive every facility and assistance, which can be afforded by the Government, I am commanded by their Lordships to desire that you will move the Earl Bathurst to convey, to the Governor of the Cape of Good Hope, Instructions to provide for the Service of the Collectors, a Waggon, a couple of Teams of Oxen for their Journies, a Hottentot Driver, and two or three Men to attend the Oxen, and also to furnish the Collectors with the Usual Orders upon the boors for boorspans of Oxen; and if they should go beyond the limits of the Colony with an Order to the Landrost to give them the protection of a few boors, which my Lords are informed is termed a Com-mando, And also to afford them every other Facility and Assistance in his Power, which may contribute to the Success of the Undertaking; and I am further to desire that you will also move the Lord Bathurst to convey to the Governors, or other persons, having the Principal Authority in the several Settlements in New South Wales, Instructions to afford to both, or either of these Persons, in the Event of their proceeding to that Country, similar Facilities in the prosecution of their undertaking.

I am, &c.,

GEO. HARRISON.

GOVERNOR MACQUARIE TO THE COMMISSIONERS OF THE TRANSPORT BOARD.

(Despatch per ship Seringapatam.)

Government House, Sydney, New South Wales,

1 Oct.

Gentlemen,

1st October, 1814.

Arrival of the
transport
Surrey.

Sickness and
mortality on
the transport.

I have to inform you that the Male Convict Ship Surrey arrived here on the 28th of July last, the principal part of the Crew and Convicts being in a wretched and deplorable State of Disease. On the passage hither, an infectious fever* first exhibited itself among the Convicts, and eventually extended to the Ship's Crew and Officers, and to a Detachment of the 46th Regt. destined for this place. The Mortality, which has been the Consequence, is very great, 36 Convicts died, as also the Captain of the Ship, the 1st and 2nd Mates, the Boatswain and Six Seamen, besides 1 Serjeant and three Privates of the Military Detachment: In all Fifty Persons.

I have much reason to apprehend that this destructive Disease originated in the mismanagement of two of the unfortunate Sufferers, namely the Captain and Surgeon, whose Duty it was

Cause of
outbreak of
infection.

* Note 56.

equally to have caused the Convicts to be brought more frequently and in greater numbers on Deck, than it appears they thought proper to authorize.

1814.
1 Oct.

It may be here remarked that, unless the unfortunate Convicts in Prison Ships are frequently brought on Deck to enjoy the benefit of fresh air, and the Berths below thoroughly washed, cleaned and ventilated, Disease must be the consequence. On the present occasion, it appears that there never were more than 50 Convicts permitted to come on Deck at once, and very Seldom more than from 30 to 40. The greater proportion of 150 to 170 being thus left constantly below, it was of course totally impossible that the Berths could be cleansed and purified, as they ought to be, and Still much more so that they could be ventilated whilst such a number of Persons remained there.

Necessity for
proper hygiene
on transports.

Treatment
of convicts on
the Surrey.

For your further information on this Subject, I beg to refer you to the Report of Mr. Redfern, Assistant Surgeon on this Establishment, and have only to express the hope that you will give this Report of the fatal Consequences, attending the rigid and unfeeling Conduct of the Captain and Surgeon, the Consideration due to the distressing circumstances detailed in it, and that you will give such instructions to the Masters and Surgeons of other Convict Ships, as may tend to avert the recurrence of such Calamities for the future.

Report from
assistant-
surgeon
Redfern.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

SURGEON REDFERN TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 30th September, 1814.

Some days since, in a Conversation with your Excellency on the Subject of the Calamitous state of disease, in which the Convicts, on the Transports General Hewit, Three Bees, and Surry, Arrived in this Country, Your Excellency expressed a wish that I should Communicate to you my Sentiments on the probable causes of the diseases, which appeared Among the Convicts on these Transports, on the means of preventing similar Occurrences in future, or of Counteracting their effects.

The occurrence
of disease on
transports, and
preventive
measures.

In obedience to this wish, I have now the honor of Submitting the following detailed observations to Your Excellency's Consideration.

In the Order, in which I now propose to myself to lay before Your Excellency the observations I am about to make, I shall beg leave to call your Excellency's attention to the various circumstances connected with those Transports, According to the priority of their Arrival in this Colony, making occasionally, as I proceed, such remarks as seem naturally to arise out of the Subject.

1814.

1 Oct.

Embarkation of
convicts on the
General Hewitt.

Total
complement
on the
General Hewitt.

Treatment of
convicts at sea
and in port.

Outbreak of
sickness.

Regulations for
the cleanliness
of the convicts.

Issues of wine.

It appears, from the best information I have been able to obtain, that the General Hewitt, a Ship of 960 Tons, Earl Master, received on the 28th July, 1813, from the Hulk at *Woolwich* One hundred and twenty four Convicts. She then dropped down to *Gravesend*, where she remained sixteen days, whence she went to the *Nore* and received Forty eight Convicts from the Hulk at *Sheerness*; on the 22d and 23d August, two days after her Arrival at *Portsmouth*, she completed her Number, three hundred, by One hundred and twenty four Convicts from the Hulks at *Portsmouth* and *Langston*; and finally sailed from England on the 26th of the same Month, having on board in addition to the Convicts, Seventy Soldiers, Fifteen Women, Eight Children, and One hundred and four Ship's Company, besides several passengers, in all, Five hundred and fifteen, having been twenty seven days from the embarkation of the first of the Convicts to the day of her Sailing, during the whole of which time, it is to be observed and regretted the Convicts were closely confined below.

That they were divided into Messes of Six Men each, Six of which Messes were admitted on deck in rotation during the day for the benefit of Air; this practice was continued till she arrived at *Madeira*, when the prisoners were again kept below for Nine days, the time of her Stay at that Island; on proceeding to Sea, they were again admitted on Deck in the same number and usual manner, until they made *Rio Janeiro*, when they were once more closely confined for ten days, by which time the Sickness, which had Commenced shortly after their quitting *Madeira*, had increased to an alarming degree. In Consequence of this Sickness, the Convicts were very properly allowed Access to the deck during the day for the remaining part of the Voyage. It was now, Alas! too late. No care, no exertion, however it might lessen, could now remedy the evil.

That there were two days in the Week Appointed for Shaving and cleaning the Convicts, but this regulation was not persisted in with any regularity; they were however obliged to Appear Clean every Sunday On the quarter deck, in Order to Attend divine Service, till they Arrived at *Rio Janeiro*, when this Salutory practice was neglected, and the Convicts were suffered to become exceedingly filthy. There was no fresh Water Allowed for washing any part of their linen; And the Allowance of Water was reduced to three pints per Man per diem; that the Soap (about twelve Ounces) was served out Once a Month to each Mess.

That the first issue of Wine was on the day they left *Madeira*, when half a pint was Served to each man; no more was issued for three Weeks, when a quarter of a pint was issued to each man,

till they arrived at *Rio Janeiro*. About a month after their departure from that Port, the issue was recommenced and Continued, but very irregularly. And my information states that it is calculated there was a deficiency in the issue of at least three hundred Gallons.

1814.
1 Oct.

Issues of wine.

The Decks were Swept every morning, Scraped and Swabbed twice a Week; they were Sprinkled with Vinegar weekly, until they made *Rio Janeiro*, when this was discontinued. The Ship was also fumigated once a week for six weeks, but was afterwards much Neglected.

Cleansing and
fumigating
of the ship.

No Vinegar was issued to the Prisoners, and Mustard but three times, about 12 Ounces to each Mess. That three weeks previous to their arrival at *Rio Janeiro*, their bedding was thrown overboard in consequence of having been wetted; from the want of which the Convicts, When they Came into a Cold climate, Suffered exceedingly.

Issues of
mustard.

Destruction
of bedding.

It also appears that Captain Earl purchased the Convicts' Rations of Salt Beef for Nine Weeks, paying them for it after they left *Rio Janeiro*, in the following Articles at most Shamefully enormous prices, Vizt:—Coffee Four shillings, Sugar One Shilling and Sixpence, Tea twenty Shillings, Tobacco five Shillings per pound, which was not less than Six or Seven hundred per Cent. on prime Cost.

Purchase of
convicts' rations
by transport's
captain.

As there is a wide difference between several essential points of this Statement, the truth of which there is little reason to doubt, and that given by Mr. Hughes, the Surgeon of the General Hewitt, before the Court of Enquiry instituted by your Excellency in March last on this Subject, I feel myself called upon to detail as Concisely as possible the substance of Mr. Hughes's testimony: Vizt.

Divergence of
statements.

That there were three hundred Convicts received on board the General Hewitt from the Hulks at *Woolwich*, *Sheerness*, *Portsmouth* and *Langston*; That some of them were in a State of debility, to 15 or 16 of Whom he would have objected, had there been time previous to the Sailing of the Ship, as being unfit for the Voyage; that the Convicts were not examined after their embarkation by Any inspecting Medical Officer; but that they were accompanied by health Certificates from the Surgeons of the respective Hulks; and that, though he did not coincide with the Opinions Contained in these Certificates, he Admitted there were none labouring under Contagious diseases; That the ship remained three days at *Spithead* after the Completion of their Number; that, about a fortnight after Quitting *Madeira*, 12 or 14 Were Attacked with Dysentery, which he Conceived arose from the Convicts being Confined below by the bad Weather,

Summary of
statement by
surgeon of the
transport.

1814.

1 Oct.

Summary of
statement by
surgeon of the
transport.

which prevailed for some time before and during the time of their being attacked, And also from the bedding having been wetted on deck and imprudently used before it could be dried: That the dysentery continued to encrease, combined with typhous fever; that, on their Arrival at *Rio Janeiro*, the Convicts were in a very Sickly State and reduced to extreme debility; that the Articles of Comfort, &c. which were put on board were duly served out; and that the Convicts were formed into three divisions, one of which possessed the deck in rotation, so that the whole were on it in the Course of the day; and that, at the times of fumigating the prison, the whole were on the deck at Once; that, after quitting *Rio Janeiro*, all the Convicts had Access to the deck during the day at pleasure; that they were supplied with fresh Beef and Vegetables, while at *Rio*; but, on being examined as to the sufficiency of it, he Admitted that it had been issued at first in too small a quantity, but that an Augmentation had been made by Captain Earl on his representation, which silenced all Complaints on that head.

Admissions
made by the
surgeon.

He also admitted that Captain Earl had purchased the Convicts' ration of Salt Beef, Observing that he had known it to have been the Custom with the Masters of Several Transports to purchase the Salt ration during their passage through the tropics; and finally that thirty four Convicts died on the Passage.

Remarks on the Three Bees.

Convicts
embarked on
the transport
Three Bees.

The Convicts from the New Prison, *Dublin*, joined those from the Northern jails, who had embarked two days before on board the *Atlas*, hired Brig, on the 28th of August, 1813. The weather was sultry, and as they Were exceedingly crowded in a close hold, the nights were truly suffocating. During their Stay here, one of the prisoners died, whose fatal termination, it was said, was Accelerated, if not solely Occasioned, by the foulness of the place Necessarily attendant on Crowding so many together. They sailed from the Canal Docks, *Dublin*, the 20th September, and Anchored in the Cove of Cork on the night of the 22d. Next day they were examined by Doctor Harding, inspecting Phisician, and were removed on board the *Three Bees* as fast as they could be conveniently cleaned and dressed. This Service was Completed on the 2d October. The Cork and Southern Convicts, with those of the *Atlas*, completed their Number, two hundred and Nineteen. On the 27th, She Sailed from Cork and Anchored at *Falmouth* on the 30th. The weather, during the time they were at *Falmouth*, was exceedingly Cold and the Prisoners Suffered Severely. They finally sailed from England the 7th December.

Departure
from England.

They were, while in harbour, Supplied with fresh Beef; their rations were uniformly and justly served out. A gill of wine was issued every Sunday to each man, when at Sea, till they drew Nigh the end of the Voyage, When it was served out twice a week. During the prevalence of Cold, damp or rainy Weather, fires were lighted in the Prison. It was every morning cleaned, and was fumigated with Sulphuric Acid and Nitre, as long as they lasted; when these failed Camphor, Vinegar &c. were used.

1814.
1 Oct.

Issue of rations and wine.

Warming and cleansing of the prison.

The Convicts were formed into five divisions, each having a portion of the day on deck when the weather would Admit. In the Harbour of *Rio Janeiro*, they were all on the deck together every day. On which Occasions, the Mercury in the thermometer fell in the prison 6, 7 and 8 degrees. Here a Case of fever appeared, and as it bore all the marks of Common Ship fever, every precaution was used to prevent the Contagion from Spreading. The Subject of the fever died. They arrived at *Rio Janeiro* on the 3d February, and left it the 17th. On the 27th a Strange Sail appeared, and, as she bore down, had the appearance of an enemy. The Prisoners' bedding was used on this Occasion as a barricade, and being kept on deck all night was quite drenched with rain. After Several fruitless endeavors, on as many days to dry the bedding, it was put into the Prison; at the same time the Prisoners were Cautioned not to use it. This injunction was disregarded, And Scurvy, which had been long lurking Among them, made its Appearance. Seven men died of it, ere they reached *Port Jackson*, and fifty-five were sent to the Hospital in a dreadful State. Nine Convicts died on the Passage.

Admission of convicts on deck.

Outbreak of fever.

Use of bedding as a barricade.

Outbreak of scurvy.

Remarks on the Surry.

It appears from the Ship's and Surgeon's journals that they completed their Number two hundred Convicts on the 21st of January 1814; that they were admitted on deck in divisions of twenty five men each in rotation; that the Prison was regularly cleaned and fumigated; that Vinegar, Mustard and Soap were issued; that divine Service was read to the Convicts in the Prison; and that half a pint of Wine was served out to each man every Sunday during their Stay in England.

Extracts from the ship's and surgeon's journals on the Surry.

On the 22d February they sailed, having formed the Convicts into Nine divisions of twenty and twenty One men each, One of which was admitted on the deck in turn during the day; in addition to this Number, there were fourteen, who being appointed to perform little Offices for the others, had Constant access to the deck: On the 7th of March, the Surgeon's journal records the case of John Stopgood, who seems to have been the

Admission of convicts on deck.

First appearance of typhus fever.

1814.
1 Oct.
First death
from fever.

Efforts of the
surgeon to
cleanse and
fumigate
the prison.

Treatment of
convicts as
recorded in the
ship's journal.

Second death
from fever.

Frequency
of deaths.

Meeting with
the transport
Broxbornebury.

first that laboured under a well defined case of Typhous or common ship fever. On the 12th, John Ranson died of fever, from which time it seems to have been Kept up more or less till their Arrival here.

The Surgeon, altho' his journal is very uninteresting, containing no remarks of importance, or indicating much thought, seems to have paid All the Attention in his power to cleansing and fumigating the Prison up to the 2d of June, when his journal ceases. And on this point I am sorry to observe, from all I have been able to learn on the Subject, that neither his representations nor his efforts met with that Attention or Assistance from the Captain and his Officers, which it was their duty to have afforded him. For, Notwithstanding that Another fatal termination of fever Occurred on the 22d May, no Attempt appears to have been made towards Ventilating the prison.

The ship's journal contains a regular registry of the times of cleaning and fumigating the Prison, of Admitting the Convicts on deck, of Divine Service being read to them in the Prison, And of issuing the Wine. On the 18th of March, it states that the Convicts were formed into Eight divisions, One of which had Access to the deck in turns during the day; and that tuesday and friday were appointed for washing days, which seems from the Journal entries to have been pretty regularly observed till She made *Rio Janeiro* on the 11th of April. While they lay in *Rio*, they were supplied with fresh Beef, Vegetables and fruit. And it States that on the 16th as no shore boat was permitted to go along side, Captain Paterson sent on board tobacco, Coffee and Sugar for Such of the Prisoners, as had the means and wish to purchase Any.

On the 21st April, they left *Rio Janeiro*; And the Journal goes on to state the times of Admission of the Convicts on the deck; cleaning and fumigating the prison, and issuing the Wine, the last issue of which took place on the 1st of May. From Sunday the 24th of May, no more mention is made of Divine Service having been read to the Prisoners.

On the 22d of May Isaac Giles died of fever, the last case mentioned above from the Surgeon's journal. Nothing worthy of Notice Occurs in the Ship's journal, being merely a registry of transactions, similar to those in the last paragraph, to the 9th of June, when Aaron Jackson died of fever, from which period the deaths became Awfully frequent.

On the 26th July they fortunately fell in with the Transport Broxbornebury, And, being reduced to the greatest distress, requested Captain Pilcher to send some person on board to take

charge of the ship. Next day Mr. Nash from the Broxbornebury went on board, and took charge of the Surry; the Captain, two Mates, the Surgeon, twelve of the Ship's Company, Sixteen Convicts and Six Soldiers were lying dangerously ill with fever. Captain Paterson died the same day. They Anchored on the 29th in Port Jackson Harbour, when the ship was immediately put under quarantine regulations.

1814.

1 Oct.

Officer lent
to command
the Surry.

Death of captain
Paterson.

The sick were landed and taken into tents prepared for their reception. Every plan was adopted and carried into effect, that had a tendency to cut short the progress of contagion. The Measures adopted proved so effectual, that but one Case of infection took place after the sick were landed.

Treatment
of sick at
Port Jackson.

There died, in all, thirty Six Convicts, four Soldiers and Seven Seamen; Among whom is included the Captain, Surgeon and two Mates.

Total number
of deaths.

That the deaths of the Captain, Surgeon and Mates may operate as an Awfull and useful lesson in future on the minds of the Officers of Transports "is a consummation devoutly to be wished!"

Deaths of
captain, surgeon
and mates.

Having thus detailed the various circumstances and operations connected with the Management of the Convicts on board the abovementioned Transports, as fully as the means of information and the harrassing professional duties, in which I have been for some time engaged, will admit, I shall proceed to point out the errors which appear to have existed; And, as time will not permit me to enter into a separate train of observations on the conduct observed in the Management of the Convicts on board each, I shall review my subject under the following heads: Clothing—Diet—Air—and Medical Assistance:—Applying the reasoning which may arise from the Consideration of these subjects to the practice in those Vessels, either Collectively or Separately, as the case may seem to require.

Method adopted
in proposing
reforms.

1. *Clothing* Will embrace everything regarding Personal cleanliness as well as dress.

It must have been obvious to your Excellency, that notwithstanding the great difference of the temperature of the different Seasons of the year, of the various climates through which they must pass, the Clothing of the Convicts, on their Arrival in this Country, has been hitherto nearly, if not quite the same, namely, blue Cloth, or Kersey Jackets and Waistcoats, duck trowsers, Check or coarse linen Shirts, Yarn Stockings, and Woolen Caps.

Clothing
provided for
convicts.

When a Ship quits England in the Summer Months, from the usual length of the Voyage, she arrives here also in the summer, thus nearly or entirely Avoiding the Winter; but when she leaves England in the Winter the reverse of this takes place,

1814.
1 Oct.

having, instead of two Summers, the rigor of two Winters, in latitude 52 N., and not less than 45 or 46 S., to support, in both of which our own personal feelings have taught us the comfortable and pleasing Accommodation of warm Clothing.

The clothing
of convicts on
embarkation.

The Convicts, when about to be embarked on the Transports, are collected from the various prisons and hulks in which they may have been confined, are Stript of their former Clothing, washed and dressed in the Clothing above enumerated; if it be the Winter Season, the change must be great, Sudden and Striking; more especially as we know that they are prohibited wearing such warm Apparel as they or their friends can find the means of furnishing.

Result of system
of providing
clothing.

Experience, the best of guides, has long taught mankind the knowledge, that the human body does not possess the power of instantaneously adapting itself to very great and sudden transitions, nor of supporting their effects with impunity. With this fact in View, it will be readily admitted that the great and sudden change of dress, to which Convicts are thus subjected, must, in a winter's passage, be one Source of disease. The common and invariable effects of this Change are Colds, Pneumonic Complaints, and Rheumatism, which, together with the means requisite to subdue these complaints, are highly calculated for the production of debility the Predisponents of Scurvy, fever, and Dysentery.

Want of warm
clothing a
predisposing
cause to
scurvy on the
Three Bees.

That the want of warm Clothing had a very considerable Share in the production of the inveterate degree of Scurvy, under which the Convicts in the Three Bees laboured, will require but little proof. They were on board the ship from the 2d October to the 7th December, lying in the Ports of Ireland and England, Stript of their warm clothing generally consisting of Coarse Cloth, or Frieze, Coats, Waistcoats, breeches or trowsers, and not uncommonly with the addition of a Friese great Coat, dressed in the light Clothing mentioned above with Trowsers of a thin coarse kind of brown or unbleached linen, known in Ireland by the name of "Harn," which is much thinner and less calculated to resist cold and severity of weather than even the Dutch Trowsers of the English Convicts. In such a dress, having undergone such a change, exposed to the rigor of two Winters, incapable from a variety of Causes, too obvious to require Mentioning, of taking exercise, with but a Single blanket the only covering on their beds at night, to the Eye of common sense, not to say, to that of Medical Acumen, the probable effects must exhibit too Strong a figure to be easily doubted or Mistaken.

For a Summer Voyage no dress can be more suitable than the present: for they can be as lightly clothed as they please by

disencumbering themselves under the pressure of heat of their Jackets and Waistcoats, when the shirts and Trowsers will be found quite pleasant and amply sufficient.

1814.
1 Oct.

Far, very far, from Arrogantly wishing to propose useless innovations in a System already as nearly perfect as possible, Yet with the importance of the Subject pressing on my mind, and urged too by a strong sense of duty, I shall take the liberty most respectfully to submit to Your Excellency's consideration the propriety of suggesting and recommending to his Majesty's Government the following trifling change and addition in the present Clothing for the Winter Voyage.

Change of
clothing
proposed for
the winter
voyages.

That the Duck or Harn Trowsers be exchanged for Cloth Ones, that Flannel Waistcoats and Drawers be Supplied; And that an Additional Blanket be issued to each person. This change and addition of the trowsers, flannel Waistcoats and Drawers, at no very great expence, would affect the means of resisting Cold during the day; and the blanket would contribute warmth in the night and Supersede that baneful custom, which is but too common of Sleeping in their Clothes, A practice which cannot be too Strongly deprecated, since by confining the effluvia arising from the human body constantly about it, thus rendering it more virulent, it tends directly to supply the most effectual means of generating and diffusing Contagion.

In objection to this change and Addition of dress, it might perhaps be urged that as Flannel or Woollen Cloths is in most circumstances generally less cleanly than linen, And as Woollen Clothes possess in a high degree the property of imbibing and retaining the principles of Contagion, the benefits, derived from their power in counteracting the effects of Cold, And Affording Warmth, would be inadequate to the risque of favouring the diffusion of Contagion. The answer to this objection leads me to the second division of this head, *Personal Cleanliness*.

Probable
objections to
woollen
clothing.

Altho' the Strength of this Argument must in some degree be Admitted, Yet it cannot be denied but that either Cotton or linen, if worn on the person till it become filthy, will retain fomites, and communicate Contagion as certainly as Woollen. But fortunately we possess, even on board ship, the means of preventing the generation and diffusion of contagion with as much certainty as any place else. To effect this object, all that is Necessary is cleanliness and Ventilation.

Advantages
of linen and
woollen
clothing.

In the detail of the transactions respecting the Management of the Convicts on board the General Hewitt, I am sorry to be obliged to Observe that, however well they commenced by appointing proper days for Attending to the personal cleanliness of the Convicts, And by insisting on their being shaved and Clean in

Neglect of
personal
cleanliness of
convicts on the
General Hewitt.

1814.
1 Oct.

Neglect of
personal
cleanliness of
convicts on the
General Hewitt.

Order to Attend Divine Service on the quarter deck every Sunday in the early part of the Voyage they did not consider these circumstances of importance enough to merit being steadily carried into effect, since, long ere the termination of the Voyage, they Suffered these most useful and salutary regulations to sink into neglect; so that we find the Convicts becoming exceedingly filthy.

Whatever good excuse might be urged for not supplying the Prisoners with a Certain portion of fresh Water for the purpose of washing their linen at Sea, surely none can be offered why it was withheld in harbour. It would perhaps be equally difficult to assign any solid reason, in a passage of less than Six Months, for putting them on a Allowance of three pints of Water Per Man Per diem.

Improper issue
of soap.

The Soap, I am Concerned to find, was not issued to them in the proportion in which it should have been, as it appears from the calculation of Twelve Ounces to each Mess of Six Men Per Month that not more than 150 lbs. was issued during the passage. On the Subject of the practices with regard to Soap, I shall have Occasion to Animadvert below.

Want of
personal
cleanliness of
convicts on the
Three Bees;

It is also to be regretted that sufficient attention was not paid to the personal cleanliness of the Convicts on board the Three Bees, as those, who were landed ill of Scurvy before their Clothing was changed, were extremely dirty both in person and dress. On enquiry into the Cause of this, I was told "that only one Man could have Access to the head at a time, which was the place appointed for them to wash themselves; and that the Soldiers composing the guard threw as many difficulties in their way on these Occasions as possible"; so that in the midst of the Ocean they could not, for want of a little common Management, obtain even Salt water enough to wash themselves Once a week.

and on the
Surrey.

The Convicts in the Surry did not, from quitting England in February, Suffer so much from the want of warm Clothing as those of the Three Bees; but from the wretchedly dirty and squalid appearance of their persons and dress, there was much reason to suppose that they had been as great, if not greater, strangers to wholesome ablution as those of either the General Hewitt or Three Bees.

Improper
issue of soap
by the master
of the Surrey.

An Occurence, demonstrative of the highly improper practices carried on by the Masters of some of the Transports with regard to the Articles of Comfort, &c., fell within my own immediate Observation, And which I cannot pass over in silence. When the Convicts were landed from the Surry in Order that the ship might be fumigated, And as it was deemed proper to wash the Prisoners' Persons as frequently as possible previous to the quar-

antine restrictions being removed, A little Soap was requested from the Purser or Steward for this purpose. "There was none, it was all expended," was the reply. A few days after it was discovered, that a quantity of Soap was inserted in the Invoice of Goods they had for Sale. In consequence of which, it was suggested that an enquiry was likely to be instituted concerning the proper expenditure of the Article of Comfort, &ca., put on board for the use of the Convicts on the passage. This produced the desired effect, and *five* boxes of Soap were sent to the General Hospital as remains of unexpended Stores. This fact speaks for itself.

1814.
1 Oct.

Improper
issue of soap
by the master
of the Surrey.

Having thus shewn that the personal cleanliness of the Convicts on board those Transports did not obtain the degree of Attention corresponding to the importance of the Subject, I shall reserve the Suggestions I mean to throw out on this part of the case for the Conclusion of this paper. In the meantime, I must beg leave to Observe, that experience has shewn, that the affusion of cold water over the body is a powerful means of preventing the generation of Contagion by washing off the Effluvia from the body, and enabling it to resist cold and even Contagion itself when present. I could therefore recommend that as many as possible should every morning undergo the cold Affusion; but if it could not be complied with every morning, then it should Alternate with the days of Cleaning and Shaving, that they might every day have something to do, that would require some exertion of body and afford some amusement to the mind.

Value of
cleanliness in
the prevention
of disease.

2. *Diet*, including food and drink, is the next object of enquiry, According to the plan proposed; and on this part of our Subject, Government having already made Arrangement so well calculated for the health and Comfort of the Convicts, that there is little room for Observation. The Allowance of food, I am warranted in asserting from practical Observation, is quite sufficient provided it be duly served out. That this has not always been the Case is to be lamented. For Altho' it is granted that it is Amply Sufficient, Yet it does not follow that it will admit of Any Subduction. On the Contrary I am convinced, as well from information as observation, that no Subduction whatever can take place without producing visible effects by debilitating the body and disposing it for disease. It has been stated above from unquestionable Authority that the Masters of the several Transports have purchased the Convicts' Ration of Salt Beef on their passage through the tropics; And that one at least paid them for it in a manner disgraceful to himself and injurious to them. This practice is probably in imitation of a

Dietary scale
sufficient as
ordered by
government.

Purchase of
rations by
masters of
transports.

1814.
1 Oct.

The practice
followed in
the navy.

Evils of the
practice
amongst masters
of transports.

Similar One that Sometimes takes place in the Navy and the Company's Service, wherein the Salt meat ration in Warm Climates, by desire of the people, is retained in the Purser's hands, for which they are paid According to the established rules of the service, or they receive flour, Suet and Plumbs in return. To this practice in either the Navy or Company's service there can be no possible objection, as the ration, bearing a proportion to that of the Convicts, is as six to four, will Admit of such Subduction or exchange. The exchange in either Case would be serviceable; but the Subduction would, we know, in the one be injurious, in the other it might perhaps be harmless; and therefore Government might give instructions for the exchange of Salt Beef for flour, Suet and plumbs between the tropics, according to the usage of the Navy. But the circumstance, of the Master of the Transports purchasing any part of their ration, is deserving of the most serious reprehension. It is pregnant with danger, as it affords them, when so disposed, every facility for peculation and for Applying certain Articles of the Convicts' provisions and comforts to their private use or emolument. A transaction of this kind seems to have Occurred not long since, altho' it failed to be proved. The Steward of the General Hewitt gave an information that the Captain with held a quantity of the butter, put on board as part of the Convicts' ration; but when called upon to prove the fact, he declared that he had served out the usual proportion of Sugar in lieu of Butter, According to the rules of the Navy. Butter appears to be the only thing in the ration table that is unfit to form an Article of diet in a Voyage through the tropics. It is an expensive Article, and, as it sells here, it is more the subject of peculation than perhaps any other put on board for the Convicts' use. Molasses might I conceive be substituted with advantage to Government as well as to the Convicts.

The allowance
of wine on
the voyage.

With regard to the Allowance of two Gallons of Wine for each man during the Voyage, it appears, from the usual mode of administering it, to be somewhat difficult to define the intention with which it is given, or the utility likely to be derived from it. Half a pint is commonly served out, or said to be so every Sunday, or some one day in the Week. Of what benefit is this? I know not. Would it not be much better to reserve it for the purpose of Serving out half the quantity during the prevalence of Cold and bad weather?

Proposed
increased issue
of wine.

If I might presume to suggest the result of my reasoning on this Subject, I should beg leave most respectfully to offer for your Excellency's consideration the fitness of recommending to his Majesty's Government to increase the quantity of Wine to

six Gallons, which would allow an issue of One fourth of a pint to each person daily. This quantity would be amply sufficient and would be attended with the most beneficial consequences, as it would, by assisting to maintain the Vigor of the System, Counteract debility arising from bad weather, confinement below, and despondency. It ought to be diluted with an equal quantity of Water, to which might be added a small portion of lime juice and sugar, and served out, and drunk at the tub by each individual, that was able to come up on deck. In this manner of preparing and issuing it, it would furnish an Article highly antiscorbutic; and as each Convict would then know the quantity he was daily entitled to, it would prevent the shameless practices which have not unfrequently taken place with regard to this article. Two instances of which are deducible from the remark made on the issue of this Article in the General Hewitt and Surry. In the former, it was stated there was a deficiency in the issue of 300 Gallons. In the latter, it is proved by the ship's journal that there is a deficiency of $240\frac{7}{16}$ Gallons. Each Issue of Wine is regularly recorded in the ship's Journal, Commencing on the 30th January and terminating on the first of May, during which period there was about $169\frac{9}{16}$ Gallons issued, which being subtracted from 400 Gallons, the quantity put on board being two Gallons for each man, there remains the above deficiency of $240\frac{7}{16}$ Gallons. This fact is fully and fairly recorded in the ship's journal without a single Attempt at explanation.

1814.
1 Oct.

Proposed
increased issue
of wine.

Deficiencies in
issue of wine on
the transports
General Hewitt
and Surrey.

3. An object of still greater importance, than any of those Already touched on, is *Air*, the great Pabulum of Life, without which existence can scarcely be maintained for a Minute. And from ignorance or inattention in regulating its influence in the Management of the Convicts on the passage, the ill state of health and great Mortality Are Chiefly to be attributed.

The problem of
fresh air and
ventilation.

That the bodies of men, when closely confined in considerable numbers, possess a power of generating a most subtle poison, the nature of which is Cognizable, but in its effects, not only injurious and deleterious to the bodies of those by whom it is generated, but spreading baneful influence far and Wide Among All, who come within the Sphere of its Action, is fully evinced by the many lamentable instances on record.

Effects of
confinement.

The Case of Mrs. Howitt and others, who escaped from the Black Hole in Calcutta and were afterwards Seized with the fever, which was generated during their confinement and the seeds of which they carried with them, is a proof of the first part of this position; and the Second Will be equally certified by the relation of One of the most striking instances of the kind

Fevers
generated in the
Black Hole at
Calcutta.

1814.
1 Oct.

Example of
infection
recorded at
Old Bailey
sessions.

on record, which happened on the 11th of May, 1750, At the Old Bailey. The Prisoners were kept for nearly a whole day in small, ill Ventilated and Crowded apartments; Some of them laboured under jail fever; when they were brought into Court, the Windows, at the end of the Hall opposite to the place where the Judges sat, were thrown open, the people on the left of the Court, on whom the wind blew, were infected with the fever, while those on the opposite side escaped. The Lord Chief Justice and the Recorder, who sat on the Lord Mayor's right hand, escaped, while the Lord Mayor and the rest of the bench, who sat on his left, were seized with the distemper. Many of the Middlesex Jury, on the left side of the Court, died of it, while the London Jury, who sat opposite to them, received no Injury." But why should we go so far back and quote cases in proof of that of which we have got a melancholy instance before our Eyes. In the Transport Surry, the Poison was generated by the close confinement of the Convicts in the Prison. It diffused its Malignant influence through every part of the Ship and Spared none, who came within the sphere of its Action.

Prevention of
contagion.

To prevent the generation of this subtle, Malignant and indiscribable poison, every effort should be directed, and that it is possible in, perhaps, every instance of bringing Convicts from England to this Country, the numerous examples of those Arriving in health, having lost few or none on the passage, render it extremely probable, if not quite Certain. In this point, however, it is to be regretted that those ships, which are the subjects of this investigation, have most miserably failed. Whether this failure arose from timidity, ignorance or inattention to their duty, this is certain, that had they intended to have favored the propagation of Contagion, and to have given full force to its Virulence, they could not have devised a more effective plan for their purpose.

Conditions
provocative of
contagion on
the transport
Surry.

It is recorded above, that 20 or 21 of the Convicts, composing one of the nine divisions, into which the whole were formed with fourteen privileged persons were admitted on deck in their turn, when the weather and the duties of the ship would permit; And it is no where recorded, either in the surgeon's or Ship's journal that the Convicts were at any time, from their first embarkation to the period of their Arrival in this port, All on deck at Once. Hence it follows that 165 persons, or nearly that Number, were locked up in the Prison or Hospital. The word Ventilation is never once Mentioned; No provision of Windsails, The Stove is removed at an early Stage of the Voyage; The bedding was never once brought on deck. Here is a combination of circumstances favouring the generation of contagion, without one

rationally directed effort to counteract it. To have escaped contagion under the circumstances would have been Miraculous. It is only to be wondered at that so few died.

1814.
1 Oct.

Forming the Convicts into these small divisions, and admitting but one on the deck at a time, seems to embrace a twofold intention, The Safety of the Ship and the health of the Convicts. That the first part of this intention might be effected by other means remains to be shewn; but that the Second is entirely defeated by its own operation will require but little proof.

Numbers
of convicts
admitted on
deck.

It will be taken for granted that what had been Once done can be done again. It is mentioned above that the Convicts, however badly managed in other respects, were at least on deck all at Once every Sunday, when the weather and the duties of the Ship would admit, in Order to Attend Divine Service, And during the time they were fumigating the Ship for the first time Six Weeks. It is also stated those of the three Bees were all on the Deck together every day while in *Rio Janeiro*. Here are 300 Convicts in the former and 200 in the latter all on deck at once, Yet nothing was attempted to endanger the safety of the ships. Had this been practised every day on board those three ill fated ships, there would have been no Occasion for these observations. There would have been but little Scurvy, Fever or Dysentery. To effect this object, the plan is simple And easy of execution. It only requires to put no more Convicts on board each Transport than the deck is capable of holding, to choose such time of the day when the Officers and Ship's Company shall be most disengaged, to place the guard in a State of preparation and in the most favourable position to command the deck, in case of any attempt to gain possession of the ship.

Safety of ships
not endangered
by convicts
on deck.

Practicability
of admitting
all convicts
on deck.

The Custom of Admitting 20, 30 or 50 of the Convicts on the deck at a time in rotation is on the principle of benefiting the health of each individual, and of guarding the whole against Contagion. It might, perhaps, be wrong to assert that the Prisoners individually receive no benefit from the very short time they are on the Deck, but it might be easily proved that the advantage is not so great as is usually supposed.

Granting that the whole 2 or 300 Men shall have been on the deck by 30 or 50 at a time during the day, what does this effect as to the State of the Prison? Does it cause a thorough Change of Air? That it neither does, or can, requires no proof. If it fall short of this, it is of no utility. Disease will be as infallibly generated by 165 persons constantly remaining in the Prison, as if the whole had remained there.

Evils of
the constant
occupation of
the prison.

To effect a Complete renovation of Air in the Prison, and to prevent the generation of Contagion, let the whole of the Prisoners

1814.
1 Oct.

Proposal for the
daily cleansing
and fumigation
of the prison.

Further
precautions
to be taken.

Reasons for
absence of
disease on
female
transport ships.

Incompetency of
most transport
surgeons.

with their bedding be taken on deck daily when Admissible, And detained there some time; in the mean time, let the Prison be well cleaned and fumigated, And that not in the Common manner of performing this Operation, but let the Hatchways, Ports and Scuttles, fore and aft, be shut in and covered down, in Order that the fumigation be rendered as perfect and general as possible. When this shall have gone on a Sufficient length of time, let the Hatchways Ports and Scuttles be thrown open, let fires be lighted in the Prison, And, when the whole shall have been thoroughly Aired and dried, the Convicts with their bedding may be sent below. Keeping in mind that the longer they are on the deck in a body, the more certain the prevention of contagion. In addition to this, the Prison and Hospital ought to be white washed every two or three Weeks with Quicklime. I would earnestly contend for the diffusion of the Nitric or Muriatic Acid, in the form of Gas, in the peculiar Case of a Transport carrying prisoners, Altho' I might under other circumstances concur in opinion with the intelligent and spirited Author, who says that "the long Catalogue of fever exorcisms (from the *explosive devils* that used to render the between decks of our ships so many Miniature representations of Tartarus, down to the more elegant Antitoxic farce of *Oxymuriatic* incantation) is now superseded by the Simple Application of three elements that are always at hand, Water,—Air,—fire. And thus what was decided in the *Senate* to be deserving of a National reward is known in the *Cockpit* to be the veriest phantom of imagination."

On what principle is it to be Accounted for that not one of the Transports, employed exclusively in bringing out female Convicts, has had a Contagious disease Among them? the Answer is obvious. From the Women, there is nothing to Apprehend with regard to the safety of the ship; they have therefore unrestrained Access to the deck, and are generally on it, so that a perfect renovation of the Air of their prison is constantly taking place. On this principle, and on this alone, is the absence of Contagion to be Accounted for.

4. It becomes necessary to make a few Observations respecting the Medical men, who are appointed to take care of the health of the Convicts on their Passage. Those, who have been hitherto appointed, have been either Students from the lecture room, or men, who had failed in the respective lines of their profession. If from the first class, they are without experience, And, however they may be fraught with the instructions conveyed in the various lectures they have Attended, or with the Contents of the Numerous Volumes they have read, they are but ill qualified to take charge of the health of two or three hundred men about

to undertake a long Voyage, through various climates, and under peculiarly distressing circumstances, without a Sense of Conscientious rectitude to support them, dissatisfied with the past, repining at the present, and apprehensive of the future, deprived of the power of enjoying the Air and exercise, &c. necessary to Maintain the due equilibrium of temper and Spirits so essential to the well being of man. If from the second, it but too frequently happens that either from the cause or Consequence of their failure, they totally devote themselves to inebriety.

How little capable, either the one or the other is for this important trust, is too self evident to require demonstration.

Besides they are employed by the owners of the ships and placed immediately under the Command of the Masters of the Transports, who, with few exceptions, having little claim to education, refined feeling, or even common decency, generally treat their Surgeons as they do their Apprentices and men with rudeness and brutality.

Incapable of Appreciating the value of learning, and despising all knowledge beyond what they themselves possess, they avail themselves of every opportunity to insult and Mortify their Surgeons. Under this species of treatment, with no means of redress during a long Voyage, the Mind becomes paralysed, they View their Situation with disgust, And, if they have the means, should they not have been so before, they soon become confirmed drunkards. Hence their duty is neglected, and the poor Convicts become the unhappy Victims of the Captain's brutality and the Surgeon's Weakness, want of Skill or drunkenness.

That this picture is not surcharged, the records of the Colony will furnish but too many proofs. Yet, at the same time, it is but fair and just to observe that, altho' this is by much too frequent, it is not so General but that there is now and then an exception.

With a View therefore of providing Skilful and Approved Medical Men for this Service, it might not perhaps be deemed improper to suggest that the Surgeons ought to be appointed by Government, selected from the Surgeons in the Navy—Men of Abilities, who have been Accustomed to Sea practice, who know what is due to themselves as Men, and as Officers with full power to exercise their Judgment, without being liable to the Controul of the Masters of the Transports.

Previous to dismissing this part of my Subject, it may be right to observe that, as disease has so often made its appearance Among the Convicts during the Voyage, and as it pays no more respect to the Surgeon than to any other person, he is therefore equally liable to become the Victim of Contagion; in which

1814.

1 Oct.

Incompetency of
most transport
surgeons.

Objections to
surgeons being
subordinate to
transport
captains.

Proposal for
appointment of
naval surgeons
for duty on
transports.

1814.
1 Oct.

Proposed
appointment
of an assistant
surgeon.

Reasons for
appointment of
an agent for
transports on
each ship.

Summary
of proposed
reforms for
management
of convicts on
transport ships.

event the ship is without any Medical Assistance. And indeed if there be much sickness and the Surgeon be fortunate enough to escape, the duty in Attending upon so many is too arduous and difficult for any one Man to perform, as it ought to be done. I should therefore most Strenuously recommend that an assistant Surgeon be also provided.

As it has sometimes happened that those, concerned in bringing Out the Convicts, regardless of the principles of honesty and humanity, and availing themselves of the unlimited power with which they are invested, have withheld a portion of the rations and Articles of Comfort from the Convicts, and Appropriated them to their own use; instances of which are hinted at above. I trust it will not be conceived impertinent to recommend that An Agent for Transports be sent out in every ship. He might be Selected from the Navy Surgeons, combining the Offices of principal Medical Officer and Agent in his own person. An Appointment of this nature, filled by a person duly qualified, promises to be Attended with incalculable Advantage and that too at a trifling increase of expence.

Having thus taken an excursive, though I trust not useless, View of the Subject, I shall beg leave to Conclude by recapitulating the principle results of this enquiry, and most respectfully, at the same time most strenuously, recommending them to Your Excellency's Consideration.

1. That more warm clothing be provided for the Winter passage.

2. That more regard be directed towards personal Cleanliness by facilitating the means of washing And cleaning their persons and dress.

3. That cold affusion be employed as largely as possible.

4. That Masters of Transports be prohibited purchasing or exchanging, unless by direct instructions from the Transport Board, any part of the Rations of the Convicts.

5. That a different distribution, or rather an encrease of the quantity of the Convicts' Wine, be provided for.

6. That no reduction, unless under peculiar circumstances, of the regulated allowance of Water be suffered.

7. That no part of their rations or Articles of Comfort be surreptitiously or fraudulently withheld.

8. That, in Order to prevent the generation of Contagion, it is absolutely necessary that the Convicts with their bedding should be Admitted every day, when the weather will permit, on the deck for a Certain time, The longer the better.

9. That the Prison and Hospital be regularly cleaned and fumigated with the Nitric or Muriatic Acid in a gaseous State; That

the fumigation be as perfect, And as general, over the ship as possible, Well Airing And drying the prison before the Convicts are sent below.

10. That, for the better preservation of the health of the Convicts, more eligible Medical Attendants, and on a different establishment, be provided.

11. That an Agent for Transports be sent out, in whose person might be Combined the two Offices of Agent and principal Medical Officer, invested with powers to Cause the necessary regulations to be carried into effect.

I very much regret that time will not permit me to correct these observations. They are written without method or attention to Arrangement or Stile, and as your Excellency is aware of the very short time I have had to prepare this paper, owing to the pressure of professional business, I trust that every Allowance will be made for the imperfect State in which it meets Your Excellency's eye. If however any thing contained herein should be the means of throwing any additional light on the Management of the Convicts, and, by giving more effect to the benevolent intentions of His Majesty's Government, of Ameliorating their Condition, or be the means of saving the life of a single individual, I shall feel more than Amply Compensated for any pains I have bestowed on the Subject.

I have, &c.,

WM. REDFERN, Assist. Surgeon, N.S.W.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 11 of 1814." per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

7th October, 1814.

7 Oct.

1. The last time I had the Honor of Addressing Your Lordship was by the Opportunity of the Brig James Hay, which Sailed for England on the 2d of June last. The Duplicates of My Dispatches on that Occasion are transmitted by the present Conveyance.

2. I have now to acknowledge the Honor of Your Lordship's and Mr. Goulburn's Several Dispatches as Specified in the Margin,* by the Broxbornebury and Surrey, Convict Transport Ships, Which Arrived here from England on the 28th of July last, and shall pay the strictest and Most respectful Attention to their Contents.

Despatches
acknowledged.

* 3d, 5th, 6th, and 13th of Feby., 1814, from His Lordship, and 20th Decr., 1813, From Mr. Goulburn

1814.
1 Oct.

Summary
of proposed
reforms for
management
of convicts on
transport ships.

1814.

7 Oct.

Approval of
Macquarie's
administration.

3. From Your Lordship's Dispatch of the 3rd of February last, I have derived the Most Sincere and heart-felt Satisfaction in learning that the Measures of My Government Have been Approved by His Royal Highness the Prince Regent up to the Period of my Dispatches by Lieutenant Lundin, and that my Communications at that time in regard to the Tranquility and Encreasing Prosperity of this Colony had proved Satisfactory to His Royal Highness, and also to Your Lordship. My Perseverance in the same Line of Conduct, which has been thus Approved, Will I flatter Myself Secure to Me His Royal Highness's and Your further Approval of my Subsequent Measures.

The necessity
for the increased
expenditure.

4. Well aware that the Expences of the Colony Since My Assuming the Government have been Very Weighty to the Mother Country, I can only regret that Circumstances such as I have already stated to Your Lordship should have existed to Create the Necessity for their being Increased so much beyond those of former Years. In All my late Dispatches I have entered so fully into the Explanation of those Circumstances, that I trust I shall stand Acquitted of having Accumulated those Expences by any Improvident Measures, or Neglect of the Strictest Principles of Economy, and it Will be Most Consolatory to Me to find that Such will be the Sentiment of His Majesty's Ministers, When those Dispatches shall be received. Notwithstanding the Retrenchments, which I am making in the Expenditure of Stores and Provisions, and indeed in every other practical Way, it is a Source of Much Regret to Me to add that the General Amount of the Expences Cannot be reduced in any very Considerable Degree for some Short time to Come. The Construction of Barracks and Hospitals for the Military, and for some of the Civil Servants entitled to Government Quarters, together with the other Buildings essentially Necessary for Government, Must for some time prevent the Reduction in the Drafts on the Treasury from being Sensibly felt; but when these shall have been Completed, which I trust will be the Case Within the period of two Years at the utmost, I think I may Venture to say that the Expences will be reduced to a Sum not exceeding two thirds of What they are at present. To be more Minute I shall Consider the existing Expences at £75,000 p. annum, and I Calculate on their being reduced to £50,000, Within two Years from the present time, if My Plans of Reform and Economy shall be Approved and Meet my own Expectations. The Court House and additional Church, which are Much Wanted, but will not be Commenced on for Some time to Come, are not of Course Comprehended in the foregoing Period Assigned for the Completion of the Public Works, which has only Reference to those now in

progress. One principal Article in the Expence of the Colony is the Clothing and Victualling a very great Number of Convicts, who are employed on the Government Works; one half of these Men I trust I shall be enabled to discharge on the Completion of those Works, and thereby to get rid of the Expence of Clothing and Victualling them, Which will be a very Considerable Saving. If my proposed Plan of taming and Slaughtering the Wild Cattle should be approved and meet my own Expectations, the Government Stores will be almost entirely Supplied with Meat from thence at an Expence very trifling indeed, When Compared With the present. On this Subject I Wait the Commands of Your Lordship in reply to my former Suggestions.

1814.
7 Oct.

Anticipated
saving in
victualling
convicts;

and by
slaughtering
the wild cattle.

5. Out of one Hundred and twenty female Convicts Embarked in the Broxbornebury, two died on the passage and 118 have been landed here. By the Ship Surrey, on board of Which Two Hundred Male Convicts had been Embarked, One Hundred and Sixty four only Arrived, 36 having died on the passage of an Infectious and very Malignant Fever; there died Also on board one Serjeant and three Soldiers and ten Men belonging to the Ship's Company, Including the Master or Commander, the Surgeon, the first and Second Mates and Boatswain. Thus deprived of her Officers, She Arrived here in a peculiarly distressing Situation, the Fever Still raging on board. A Detachment of the 46th Regt., under the Command of Brevet Major Stewart of that Corps, Arrived in her, having Acted as a Guard on the Convicts during the Voyage. In Consequence of the Danger to be Apprehended, I Caused the Ship and every person on board to be put under a Strict Quarantine,* until the Fever should subside. All the persons Infected were landed and encamped on the North Shore of Port Jackson opposite to Sydney, Where they were Attended by Doctors Wentworth and Redfern of the Civil Medical Establishment, and I am happy to add, that with very few exceptions these Unfortunate people recovered under the humane and Skilful Attention of those Gentlemen. The Disease being thus overcome, the Quarantine was terminated on the 18th of August, and the Convicts brought to Sydney and Inspected; they Were then distributed in the Usual Way Among the Settlers. As it is Supposed that the Disease in a great degree Originated in the Neglect of the Master and Surgeon of the Surrey, I have made a Communication on the Subject by the present Occasion to the Commissioners of the Transport Board, and transmitted them the Report made to me by Doctor Redfern on the Causes to Which

Convicts on
the transports
Broxbornebury
and Surrey.

Mortality on
the Surrey.

Ship Surrey and
her complement
placed in
quarantine.

Outbreak of
disease due to
neglect of
master and
surgeon.

1814.
7 Oct.

he has been inclined to attribute the deplorable Mortality Which Occurred. I do myself the Honor to transmit Your Lordship a Copy of this Communication and Report for Your Lordship's Satisfaction.

Passengers
on the
Broxbornebury.

Victualling
of families
of convicts.

Proposed
restriction of
free passages
for families of
convicts.

Want of
instructions
re Jamison,
Horseley, and
Williams.

Promises of
land grants.

6. Mr. Jeffery Hart Bent, Judge of our New Supreme Court, Arrived by the Broxbornebury, and Sir John Jamison,* Mr. Horsley and Mr. George Williams with the Reverend Benjamin Vale, Assistant Chaplain, and several free Women, Wives of Convicts, Arrived as Passengers by the same Opportunity. Many of these Women having large Families of Children, and None of them having the Means of Subsistence, I have been Under the Necessity of putting them All on the Store for some time; had not this Act of Humanity been extended to them, they must have perished for Want of Food. The Fever on board the Surrey has deprived Several of them of their Husbands, by Which Means these poor Women Are bereft of every Means of Support for themselves and their Children, and they Are of Course supported in Charity at the Expence of Government. Circumstances of this kind having frequently occurred, Whereby a Weighty Expence is Entailed on this Government, I beg leave to suggest to your Lordship that I Conceive the Wives of Convicts should not be allowed Passages, or permitted to proceed hither, unless they Give Satisfactory Proof of their possessing the Means of Supporting themselves and their families Without becoming a Burthen on this Government, the Expence arising from the Victualling those in Distress under the present Circumstances being very Considerable.

7. Not having received any Communication from Your Lordship or Mr. Goulburn respecting Sir John Jamison, Mr. Horseley or Mr. Williams, I have been at a Loss to know how far I am Warranted in treating them as Free Settlers, being at present Obligated to rest my Conduct on their own Representations of Your Lordship's Intentions towards them. Having however Good Reason to think favorably of the two former Gentlemen, I have promised Sir John a Grant of 1,500 Acres, and Mr. Horseley one of 1,000 Acres, and in Consideration of some respectable Testimonials produced by Mr. Williams of his good Character when Employed as Government Printer some Years ago at the Cape of Good Hope, I have promised him also a Grant of 500 Acres. All which Grants I Mean to Accompany With the Indulgences Usually Allowed to Settlers of the first Class, and I trust Your Lordship will approve of these Measures from the Circumstances I have Stated. With regard to Sir John Jamison, he addressed a Letter to Me soon after his Arrival,

* Note 58.

Stating his Claims, and the Expectations he entertained from the promises made to him in England, A Copy of Which I transmit for Your Lordship's Perusal.

1814.
7 Oct.

8. In pursuance of the Commands transmitted Me by Your Lordship in Your Dispatch of the 3d of February last, I have made the Retrenchments therein directed, by Striking Off the Stores the families of the Civil Officers and the Government Servants hitherto Allowed them. In this Number are Included my own and the Lieutenant Governor's Family. I have likewise discontinued the Issue of Fuel to the Civil Officers, and have Struck off the Stores the Government Servants heretofore Allowed to the Gentlemen of the Army in this Colony. Entertaining a Degree of Doubt Whether it was in Your Lordship's Contemplation to Extend the Operation of these Retrenchments to the Civil Officers in the Subordinate Ranks, and feeling it would bear excessively hard upon Persons of this Description, Some of Whom have no Salaries, and the others very low and Inadequate ones, I have ventured on the Responsibility of Continuing the Families of this Class of Civil Officers (comprehending Government Licensed School Masters, Store Keepers, Head Clerks, Chief Constables, Jailors, Superintendants and Overseers) on the Stores, With the Allowance of One Government Servant each, Also on the Stores as heretofore. It may be here Necessary to explain to Your Lordship that it has been a Custom with my Predecessors in this Government to put Officers of the lower Class with their entire families on the Stores, and at the same time to Allow them the Service of one Government man Clothed and Victualled in lieu of any other Remuneration in the Way of Salary. Persons of this Description Could not of Course exist, if these Indulgences were Withdrawn from them. and, Until some other Mode of remunerating them shall be devised, they must remain as heretofore on the Stores. Others, Who have very Small Salaries, and are Free Men not being Able to support themselves on those Salaries, would immediately resign their Situations and betake themselves to other Lines of Life, if they Should be deprived of the Advantages they now possess from the Stores. For Your Lordship's fuller Information on these Subjects, I do myself the Honor to transmit You Copies of the General Orders, Issued by me on the 3d Ulto. and 1st instant, together With the Copy of a Letter, which I directed my Secretary to address to Mr. Allan, the Deputy Commissary General, dated 24th September in regard to the Execution of those Orders, from Whence I hope my Conduct will meet Your Lordship's Sanction and Approval.

Families and government servants of civil officers removed from victualling list.

Subordinate civil officers excluded from the retrenchment.

Victualling allowances and government servants granted in lieu of salaries.

1814.
7 Oct.

Allowances
granted to
subordinate
civil officers.

Memorials
received from
subordinate
officials.

Saving in
expenditure.

Effect of
retrenchments
on officers with
small salaries.

Jealousy created
amongst officials
of different
departments.

In the Letter to the Deputy Commissary, Your Lordship will Observe that I have Ordered the Continuance on the Stores of the Families of All the Subordinate Civil Officers, Whose Salaries are under £100, as also of a Government Man to each of them As heretofore, being fully Convinced that those Persons Could not devote their Time to the public Duties without these Indulgences were Continued to them to Subsist their Families on. The Superintendants, Overseers, Head Constables and Jailors at Sydney having Addressed a Memorial to Me on the Occasion of my General Orders of the 3d of September, I take the Liberty to transmit it herewith for Your Lordship's Notice and favorable Consideration. I have Also received Memorials from All the other Persons of this Class (including the Government School Masters), which, being for the Same purposes as the foregoing, I have Not Considered it Necessary to trouble Your Lordship with them. Under the Sanction of Your Lordship's Instructions I have Continued the Allowance of four Government Men, Clothed and on the Stores, to each of the Magistrates, A Remuneration to which they are fully entitled.

9. The Retrenchments thus made will Certainly form a very Considerable Saving in the Expences, but I feel myself Obligated to Observe that in the present Latitude of their Operation, they will bear very Severely on those Officers, Who have Small Salaries and no Perquisites of Office. In this Class may be enumerated the Assistant Chaplains, Assistant Surgeons, and Deputy Surveyors of Land, whose scanty Salaries are totally Inadequate to the Maintenance of their Families and the Support of the Rank Which their Professions and Duties entitle them to. The Inequality between the Salaries of these Persons and those of the Officers of the Commissariat, with their Allowances as recently established here, is Certainly very great, and not at all Calculated to reconcile the former to the present Retrenchment operating exclusively on them. That a Degree of Jealousy should thus be Excited is the less extraordinary, when it is Considered that the Salaries of the Clergy and Surgeons Were equal, if not Superior to those of the Commissariat according to its original Establishment here, and by the latter being Considered as a Branch of the Military Department; another Source of Jealousy arises from their Continuing to receive *Fuel* and draw *Rations for their Families*, Whilst the former, not less Meritorious, with Inferior Salaries, are deprived of those Very important Benefits. Without Dwelling on the Liberality of the Pay and Allowances drawn in the Commissariat, especially in the Upper Departments of it, I must take the Liberty of remarking that the present Salaries of the Officers

in the Civil Department neither hold a proportionate Rate to those of the Commissariat (the respective Duties and Ranks of the Parties Considered), nor are by any Means adequate to the Expences of living in that State of Comfort and Independence, which their Situations should lead them to Expect. Under this View of their Situations I beg leave most respectfully to recommend that I may be Authorized by Your Lordship to replace the families of the Assistant Chaplains, Assistant Surgeons, and Deputy Surveyors of Land, and of all those Other Civil Officers, Whose Salaries do not amount to £300, on the King's Stores as heretofore. The Allowance of Fuel and Servants may be well dispensed with, and the Expence Saved in these Articles will be very Considerable; I should not therefore Advise that part of the present Order to be rescinded. Having lately received a Representation from the Medical Officers of the Civil Establishment respecting their present Allowances, I have the Honor to transmit it to Your Lordship. Knowing the Statements made therein to be perfectly Correct, and that the Gentlemen of that Department are a very Useful, Meritorious, and respectable Body of Men, I beg leave to recommend their Situations to Your Lordship's Most favorable Consideration.

1814.
7 Oct.

Salaries of
officers in
the civil
department.

Proposed
modification
of orders.

10. I am Concerned to Report to Your Lordship that Mr. Vale, Assistant Chaplain, Who lately arrived here with his family, has on Several Occasions expressed much feeling of Disappointment and Discontent at the Situation he Came here to fill, the Allowances of it being Much Inferior to What he says he Was led to expect when he received that Appointment. He has Stated that he was told at the Secretary of State's Office that he should have a Separate Parish and Church Assigned to himself, and that he would be provided with a Cultivated Glebe and a Well-furnished Parsonage House, With an Allowance of Government Servants, Rations, Fuel, &c. These Expectations not being realized to him, he appears discontented and Miserable, In so much that he repeatedly declared An Intention of returning to England Immediately; for the present however, he has relinquished this last Expedient. On his Arrival, I appointed him Co-Adjutor to Mr. Cowper in the Duties of Sydney, Where Such Assistance is Much required, Altho' there is at present but One Church here, and at the same time I put him and his Family on the Stores, and Assigned him a Government Servant, also on the Stores, with the Usual Allowance of Fuel. There not being any Barrack or Government House Vacant for Me to Assign for his Residence, I Informed him that he Should have the first that should become Vacant, and in the Mean time that he should be Allowed in lieu of such Accommodation, the Same

Discontent
of assistant-
chaplain Vale.

Duties assigned
to Vale.

Allowances
granted to Vale.

1814.
7 Oct.
Continued
discontent
of Vale.

Lodging Money as a Captain in the Army; I have even gone so far as to say that I would give him a Grant of Land with the Indulgences, Usually Extended to Free Settlers, Whenever he would Chuse to Select a Situation for that purpose. All this I have done in order to reconcile this poor Man to his Situation, but All has been in Vain, for he still Continues to be discontented, and in the present Circumstances I have it not in my Power to relieve him According to the Measure of his Expectations. Everything further in my Power shall however be done to render him as Comfortable as his own Temper and my Ability will admit. I have here to Observe that I have not received any Official Communication by Mr. Vale, from Your Lordship or Mr. Goulburn, and I am thence at a Loss in regard to the Conduct I should Strictly pursue towards him. In Consideration however of House Rent being very high, I hope Your Lordship will Approve of My allowing him equal Lodging Money as a Field Officer. The New and Now populous District of Liverpool (distant 20 Miles South West of Sydney) requiring the Duties of a Chaplain, I have it in Contemplation to appoint Mr. Vale to it, So soon as the Colonial Revenues will Enable Me to build a Comfortable House for his Residence, Which Arrangement appears at present Satisfactory to him.

Proposed
appointment
of Vale as
chaplain at
Liverpool.

Official
reception of
justice Bent.

11. On the Arrival of Mr. Jeffery Hart Bent, the Judge of Our New Supreme Court, I received him with those Marks of Attention and Respect, due to his Situation and high Office: His Landing was Hailed by a Salute from the Battery, and I have Continued to Shew him every Attention in my power. His Majesty's Letters Patent Establishing the new Courts and Mr. Bent's Commission as Judge of the Supreme Court were read and published at Government House on the 12th of August last (being the Auspicious Birth Day of His Royal Highness the Prince Regent) in the presence of All the Civil and Military Officers and of the principal Gentlemen of the Colony, at which time I administered the prescribed Oaths to him and Judge Advocate Bent. The Letters Patent Were afterwards read in the public Market place in the presence of a Numerous Assemblage of the People by the Provost Marshal. I am happy to add that the Terms of the Patent prove highly gratifying to all present, and I have every Reason to believe that this Gracious Measure of His Royal Highness the Prince Regent will prove highly beneficial to His Majesty's Subjects in this remote, but Improving Colony.

Publication
of Bent's
commission
and the new
charter of
justice.

Preparation of
court rooms at
the general
hospital.

12. In pursuance of Your Lordship's Suggestion I have Assigned a part of the New General Hospital to be Converted into a temporary Court House, for which it is Much better

adapted than any other Public Building here. Indeed, this was the Arrangement I had Myself Made previous to receiving Your Lordship's Instructions. The two Wards of this Building,* which I have Assigned for a Court House, being large, will answer the purpose exceedingly well, Until a Regular Court House and Town Hall shall be Erected, and in the Mean time they Can be Spared without any Inconvenience; the preparation, now in progress to convert these Wards into a Court House, will be Completed in time to Enable the Judge to Hold his first Court there on the 1st of January Next.

1814.
7 Oct.

Preparation of
court rooms at
the general
hospital.

13. Mr. Jeffery Bent applied to Me on his arrival to furnish him with a House in Sydney at the Expençe of the Crown for his personal Residence, Considering himself entitled to that Accommodation by Virtue of his Commission as Judge. Not having received any Instructions from Your Lordship on this Subject, and it being within my own Knowledge that the Judges in India are not so accommodated I have on these Grounds declined granting his Application. In order however to meet Mr. Bent's Wishes as far as I Considered Myself Warranted, I made him a Proposal to Hire a House for him at the Expençe of Government, on Condition that he should Eventually pay the Rent in Case my Conduct in Hiring it should not be Approved by Your Lordship. Mr. Bent has declined these Terms, and the Matter Must rest on its present Footing Until Your Lordship shall be pleased to Honor me with Instructions on the Subject. The Judge Advocate has always had a House provided for him in Common with the other Civil Officers of the Colony; but as the Salary Originally Attached to the Situation of the Judge Advocate was Small, and the Impossibility of procuring Houses to hire in the early Period of this Settlement rendering it Absolutely Necessary that Government should provide a Residence for him, these Circumstances do not in My Mind Constitute a Precedent, whereon the Supreme Judge Can fairly Claim a Similar Indulgence, His Salary being liberal and with large Fees arising from the Several Proceedings of his Court, and Accommodation easily procurable from private Persons on Rent. Mr. Bent has Also demanded Chambers, which he says are always Allowed to English Judges in distant Settlements. Altho' this does not Come Within my own Knowledge, nor am I inclined to think he is Well founded in the fact, Yet in order to Accommodate him as far as I felt myself Justifiable, I have Acceded to that Request, and have Ordered two Rooms* in the Barrack intended for the principal Surgeon to be partitioned off and prepared for his Accommodation, So long as the Courts shall be held in one of the Wings of the General Hospital.

Application of
justice Bent
for an official
residence.

Proposed
conditional
renting of a
residence.

Invalidity of
precedent
of judge-
advocate's
house.

Chambers to be
provided for
justice Bent.

* Note 59.

1814.

7 Oct.

Claims of
officials for
quarters or
lodging money.

14. Being frequently Importuned by various officers on the Civil Establishment for Barracks or Hired Quarters at Sydney, to which they Consider themselves Entitled, having been Always furnished with Barracks since the Period of the first Establishment of the Colony, but who now Rent Houses for themselves in Consequence of there being no disposeable Barracks Capable of accommodating them, I now take the Liberty to transmit Your Lordship a List of All the Civil Officers who have heretofore been so accommodated, but Who have been latterly obliged to Hire Houses for themselves in Consequence of the old Government Quarters being so decayed as not to be habitable. These persons, Considering themselves entitled either to Quarters or Lodging Money, have Claimed the latter in Consequence of not obtaining the former. Not feeling Myself at liberty either fully to admit or reject these Applications, I have Considered it Necessary to bring the Business in this Manner before Your Lordship, and if it should be deemed Expedient to Allow them Lodging Money, I have to request that Your Lordship will please to fix the Rate or Scale by which they shall be paid.

Free settlers
victualled by
government.

15. Your Lordship having in Your Dispatch of the 3rd of February last required Me to furnish You with a List of those Free persons from England to Whom I found it Necessary to Issue Rations, as Stated in my Dispatch No. 6 of 1812,* I have now to Mention the Names of those to Whom I then particularly Alluded; these Were Mr. D. D. Mathew (a Relative of Lord Gambier) with his family; a Mrs. Sims and her family, and Some Others, Wives of Convicts, but who Arrived Free themselves. All these Persons arrived totally destitute of the Means of Support, and Unable either from their Rank, Age, Sex, or Infirmities to support themselves. No Alternative was left Me, but either to see these friendless Creatures Starve, or to place them on the Bounty of His Majesty's Stores. The Enquiries now Instituted at Home in regard to the Means of Subsistence possessed by persons Soliciting permission to Come hither will I trust effectually prevent Such Occurrences for the future, and be attended with the happiest Consequences to the Persons themselves.

Macquarie's
condemnation
of "gentlemen"
settlers.

Character and
conduct of
E. S. Hall.

16. The Characters of Settlers, drawn by me in my Dispatch No. 6 of 1812,* had reference principally to Settlers Whom I found in the Colony, and Not to those who Arrived since my taking Charge of the Government. One Exception I must however make here in the Case of a Mr. E. S. Hall,† Who has Certainly Merited the Description of a Useless and discontented Free Gentleman Settler. This Person, without making the least Attempt at Industry, expressed himself Much disappointed in Not getting his Land cleared and Cultivated for him, and a

* Note 60. † Note 61.

House built for him at the Expence of Government, Notwithstanding that he had Obtained All the Usual Indulgences in as full a degree as any Settler in the Same Rank in the Colony. Tired of residing on his Farm, Mr. Hall has now Commenced Merchant at Sydney. It was not my Intention to say that those Whom I Called *Gentlemen Settlers* were sent hither by Government *under that Denomination*. The Term was only Applied by Me to that Description of Persons whose former Habits placed them either Above, or out of the Line of *Farming Concerns*; and whose Pride, or mistaken Ideas of the Colony, led them to Imagine themselves Entitled to Degrees of Indulgence beyond those Extended to the Ordinary Rank of Persons getting farms for Cultivation. Nearly the Whole of those Persons, who have Arrived here in the Character of Settlers, have been Ignorant of everything in the farming Line, and have in Consequence generally proved totally Inadequate to the Tasks they had Undertaken, and on these Occasions they Immediately look to Government for Assistance to Extricate them from the Difficulties their Ignorance had previously Involved them in. Such are the Persons designated *Gentlemen Settlers* in Contra-distinction to those of a lower Class, Whose early and laborious Habits render them Useful to the Colony, and Constitute them, properly Speaking, the Yeomanry of the Country, they being the real Improvers and Cultivators of the Soil.

All Persons Coming here from England, as Free Settlers, have been heretofore put on the Stores, together with their Families and Whatever Government Men have been Assigned them, *for the Space of Eighteen Months*. Such has been the Custom since the foundation of the Colony, and the Many Difficulties the early Settlers had to Encounter rendered this Indulgence Necessary; but I Conceive the improved State of the Country at this time does away the Necessity for such an Extension of Indulgence, and I have Consequently the Honor to Concur in Opinion with Your Lordship that an Indulgence of Six Months on the Stores will be Quite enough for the Settlers who may Come out hereafter. The progress made in the Cultivation and general Improvement of the Country has been so Considerable that I Conceive, in the Course of two Years hence, there will not be the least Occasion for holding out even the Indulgence of Six Months on the Store, or further Inducements to free Settlers, than merely the giving them Land and Government Servants to Cultivate it. This Plan being once adopted, a very great Saving would accrue to the Crown, and I Conceive it would tend very much to the rendering the Settlers themselves more Industrious and eventually richer and happier than at present.

1814.
7 Oct.

Character and
conduct of
E. S. Hall.

Definition
of the term
"gentlemen
settlers."

Custom of
victualling
free settlers
for eighteen
months.

Period to be
reduced to
six months.

Anticipated
abolition of
the indulgence.

1814.
7 Oct.

The proposed
increase of
quit rents.

Proposed
gradual
diminution of
quit rents on
large grants.

Quit rent per
acre proposed
by Macquarie.

Further
instructions
to be awaited.

17. The Instruction, Conveyed to Me in Your Lordship's Dispatch No. 25 of the 3d of February last, to raise the Quit Rents to the Sum of one Shilling per Acre on All future Grants of Land requires Me to State to Your Lordship, with the Utmost Deference, that this is a Rate Much higher than Can be borne in the present State of the Country, and Were it to be Strictly adhered to, there Would be very few people disposed to receive Lands on those Terms. My own personal Knowledge and Experience in this Country Alike Convince Me that this Tax would be unproductive to Government and Most discouraging to the Land Holders. I should here enter into the Explanation of the Effects of this Tax, but having Called Upon Mr. Oxley, the Surveyor General, to furnish Me in Writing With his Opinion and Sentiments on the Subject, He has Stated in his answer the Objections So Strongly in the Way that I have Myself felt them, that I take the Liberty of transmitting Your Lordship A Copy of his Letter, which I trust Will Satisfy Your Lordship of the Inexpediency of so large a Quit Rent. There is one point, however, in Which as I differ in Opinion from Mr. Oxley I beg to Submit to Your Lordship's Consideration. He Conceives that on Grants exceeding 500 Acres there should be a gradual Diminution of Quit Rent. His reasoning on this head does not appear to Me Satisfactory, as I Conceive, the greater the Grant is, the Possessor will be thereby the better enabled to pay the equable Rate, and the Rule being Adopted would Appear to make an invidious Distinction between the great and Small Land Holders. I do not altogether Approve of Mr. Oxley's Continuing the Quit Rent on Grants at a Rate by the hundred Acres. In lieu of his Plan in that respect, I beg to propose Conformably to Your Lordship's Suggestion that the Rent should be an Acre-able one, and from every Information I have been able to Obtain from the Oldest and Most Intelligent Settlers, I am of Opinion that a Quit Rent of two pence per Acre may be laid on Without prejudice to the Land-Holders; this would be 8 and $\frac{1}{3}$ times as great as the present Rent,* and I hope Your Lordship Will be disposed to Approve of that Rate. In the mean time, feeling as I do that the greater Rent of one Shilling would be equally prejudicial to the Interests of the Settlers and the Government, I shall Venture on the Responsibility of Suspending Your Lordship's Instructions Until I shall be Honored with Your final Commands thereon, fully trusting that Your Lordship will approve of my Motives and Conduct herein. The Quit Rents now due to the Crown shall be Immediately Collected agreeably to Your Lordship's Instructions, and for this purpose I have Appointed Mr. James Meehan (the present Deputy

* Note 62.

Surveyor of Lands at Sydney) to the Office of Collector of Quit Rents,* Allowing him a Salary of Seven Shillings per diem, to be paid Out of the Colonial Funds. Mr. Meehan has the Duties also of Superintendant of the Roads, Bridges and Streets throughout the Colony, attached to those of Collector of the Quit Rents Without any Additional Salary, for Which Several Duties he is particularly Well Qualified, being Well acquainted with the Country, of an active Disposition, and Conversant With the Business of building Bridges and laying out Roads. Combining thus so many Duties in One Person, I trust Your Lordship will Consider the Remuneration as Moderate, and be Pleased to Confirm the Appointment to him.

1814.
7 Oct.

Appointment
of Meehan
as collector
of quit rents.

18. I have Communicated Your Lordship's Commands† to Mr. Oxley, the Surveyor General, in regard to the dispensing With his Making Nautical Surveys for the Admiralty, in Consequence of that Service Interfering with his More Immediate Duties on Shore, and have Also Apprized him that Your Lordship, having thus exonerated him from Nautical Surveys, Does not Consider that the Assistance of a Deputy Surveyor is further Necessary to him. This Communication has led him to represent that He is Singly totally Unequal to the Duties Still remaining, and I must here express my full Conviction that the Duties required of a Land Surveyor in the extended State of the Settlement are Much More than he is equal to. Mr. Oxley's Letter to me on this Subject being Very Clear and Satisfactory, I do myself the Honor to transmit Your Lordship a Copy of it, the Statements in which I can Assure Your Lordship are perfectly Correct. May I therefore repeat the Hope that Your Lordship will be pleased to Confirm My Appointment of Mr. Meehan to be Deputy Surveyor of Lands in the Territory of New South Wales, it being an Appointment Indispensably Necessary.

Duties of
John Oxley
as surveyor-
general.

Appointment
of Meehan
as deputy-
surveyor.

19. At the time of My Appointing Mr. George William Evans to be Deputy Surveyor of Lands in Van Diemen's Land at a Salary of 5s. per diem, it was my Intention to recommend to Your Lordship's Consideration the Making An Addition of 2s. 6d. per diem to that Salary, from the Consideration that this Officer has All the Duties of Surveyor to perform, both at Hobart Town and Port Dalrymple (being a distance of 120 Miles apart), and having of Course Weighty travelling Expences to Undergo. On these Grounds I now Solicit Your Lordship to authorize Me to increase Mr. Evans's Salary to 7s. 6d. per diem to Commence from the 1st of January next, The Office of Surveyor of Lands at Port Dalrymple, formerly held by Mr. Mills, with a Salary of 5s. per diem, having been Abolished by me in Consequence of the Duties at that place not being Sufficient to Warrant the

Salary of
G. W. Evans
as deputy-
surveyor in
Tasmania.

Abolition of
office of
surveyor at
Port Dalrymple.

1814.
7 Oct.

Expencc. I mention the Circumstance to Shew Your Lordship that after the proposed Addition to Mr. Evans's Salary there Will Still be a Saving to the Crown of 2s. 6d. per diem in the Expencc of that Department in Van Diemen's Land.

Proposed
immigration
to Tasmania.

20. Your Lordship being pleased to ask my opinion* on the Expediency of granting greater Encouragement than heretofore to Persons desirous of becoming Settlers in Van Diemen's Land, I have great Pleasure in Conveying My Sentiments thereon to Your Lordship. Considering Van Diemen's Land by far a richer and better Soil than this Country, and possessed of a fine Climate, it is My decided Opinion that it would be highly judicious to hold out every reasonable Encouragement to Industrious persons to proceed thither from England as Free Settlers, provided they be possessed of A Certain Degree of Property to enable them to Commence and pursue their farming Concerns without being a Burthen on the Government. Such Encouragement held out for two or three Years Would be likely to Induce a Number of respectable Families to Emigrate thither, and the Example of decent Deportment and Steady Industry, Which Might be expected from Such Persons, would probably have a good Effect on the Conduct of the present Inhabitants; who I am sorry to Add are a dissipated, turbulent, litigious Set. A Reform in their Conduct is Much to be desired, and I trust might be effected under the Government of a Wise and judicious Officer.

Removal of
headquarters at
Port Dalrymple.

21. I am very happy to find that His Royal Highness the Prince Regent and Your Lordship have approved of my Suggestion as to the Removal of the principal Settlement at Port Dalrymple from Launceston to the Place I have named *George Town* in *York Cove*. This latter place, being seated at the East Entrance of Bass's Streights and possessing Many Advantages, will be a Most Eligible Situation for Trade, its Harbor, tho' Small, being a Very safe and good one. The Removal, agreeably to Your Lordship's Commands, shall not be precipitately Effected, but in Such a gradual Manner as to render the Expencc as little as possible to the Crown.

Necessity for
military posts
between Hobart
and Port
Dalrymple.

22. The Establishment of a Chain of Military Posts or Stations between the Settlements of Hobart Town and Port Dalrymple is a Measure Which I still entertain in the Strongest Degree the Absolute Necessity for. Indeed the protection of the Settlers in the Interior, and of the persons passing from the one Settlement to the other, Who are now Numerous, on the Necessary Intercourses of Trade Against the Attacks and Depredations of the lawless Banditti of Runaway Convicts, who Infest the intermediate Country, Cannot be otherwise effected than by Means

of Military Stations. The principal part of the Shipping touching only at the Derwent, the Articles of Trade required at Port Dalrymple are Consequently sent thither over Land. All which, together with the Herds, Flocks and Grain of the Settlers, are now Subjected to the plunder of these Banditti, Commonly Called "*Bush Rangers*," Who in the present State of the Country are beyond All Control. The proposed Military Stations Would soon disperse these Depredators, and finally bring them to Justice. They Would Also Check the occasional Irruptions of the Savage Natives, and reciprocally prevent their being Cruelly treated by the Bush Rangers. I trust the Consideration of these Circumstances Will Induce Your Lordship to Authorize Me to establish these Stations, as soon as the 46th Regt. shall be Increased to a Sufficient Strength to enable Me to Send Detachments from the Companies Stationed at Hobart Town and Port Dalrymple for this very Important Service.

1814.
7 Oct.

Necessity for
military posts
between Hobart
and Port
Dalrymple.

23. Whilst on the Subject of Van Diemen's Land, I feel it my Duty to Express my Regret that on the Establishment of a Court of Civil Judicature in that Island to take Cognizance of and decide on (Without Appeal) All Causes not exceeding Fifty pounds Sterling, His Majesty's Government had not Selected a Gentleman of Legal Knowledge for the Situation of Judge Advocate. Mr. Abbott (late Major in the 102d Regt.), Who has been appointed to this very Important Trust, will, I apprehend, be found very deficient in the qualifications Suited to his Office. I express Myself With this Freedom from My Personal Knowledge of Mr. Abbott, Whom I believe to be a Very Good Kind of Man, but his Education and former Habits, and total Unacquaintance with Law Proceedings, Must in My Opinion render him Very Unequal to the Duties of Judge Advocate under the New Patent. The liberal Salary Allowed to Mr. Abbott would, as I am informed by Mr. Bent, the Judge of the Supreme Court here, have been Sufficient Inducement With Several respectable Barristers of some Years Standing to have Accepted the Situation of Judge Advocate in Van Diemen's Land, and the legal Knowledge of Such a Person Would have prevented Much Litigation there, and Saved a great Degree of Trouble to the Courts here. The Spirit of Litigation, Which exists there in its fullest Extent, Will I apprehend Meet a Very inadequate Check from the Administration of the Laws by Mr. Abbott. Had the Court in Van Diemen's Land been so Constituted as to be enabled to take Cognizance, as well of the greater as lesser Causes in the Civil Department, it Would have been a Most desireable thing, and the Establishment likewise of a Court of Criminal Jurisdiction Would have been Attended with the happiest Effects. At present

Criticism
of Abbott's
appointment
as judge-
advocate in
Tasmania.

Legal
disabilities
of settlers in
Tasmania.

1814.
7 Oct.

Legal
disabilities
of settlers in
Tasmania.

Proposed
establishment
of distilleries.

the Inhabitants are laid under the very great Hardship and Risk of being Obligated to take a Voyage of upwards of 700 Miles to this place, When they are Concerned either as Principals, or Witnesses, on such Occasions as Must be referred to one or other of the Courts here. These are Hardships which I trust will Claim Your Lordship's humane Consideration; to this I have only to add that the Expence, attending the Conveying, back and forward, the Several Persons thus required to Attend on the Courts here, is Necessarily Very Weighty, and that the granting Competent Courts to Van Diemen's Land finally to determine in All Cases Civil and Criminal, under the same Restrictions as the Courts here, Would relieve this Government from the Weighty Expence Above Alluded to.

24. I have paid the Most Serious and respectful Consideration to the Opinion Expressed by Your Lordship on the Expediency of Sanctioning the Distillation of Spirits in this Country, and regret that Your Lordship's Sentiments are in Disapprobation of the Measure of Distilleries being now Established here, Your Lordship Conceiving that More time is required to Ascertain Whether the Surplus Grain of the Colony would be Sufficient to justify the Adoption of this Measure. With the Utmost Deference for Your Lordship's Superior Judgment, I beg leave to State that in My Opinion the Establishment of Public Distilleries would be so far from Militating With the Necessary Consumption of Grain in other Ways, that they Would More effectually Secure a redundant Supply for the primary Object of Bread or Food than any other Measure that Could be possibly devised. At present, My Lord, the Farmers having no other Demand for their Grain than what arises from the Consumption of it as Bread, they Will of Course limit the Cultivation to the Demand, for were they to Exceed that Quantity, the General Price Would be lowered, and the Redundancy Would be an unprofitable Stock on Hand, Which Circumstance, were it once to take place, would so discourage the Farmers that they Would Cease to Cultivate with Spirit and from the Extreme of Plenty they Would probably the Next Season Involve themselves and the Community at large in the opposite One of Scarcity. Such Appears to Me the probable Effect of a Circumscribed Demand; and on the other Hand I Conceive that the Indefinite Consumption, which the Distilleries would hold out, would bring Thousands of Acres into Cultivation that Would otherwise remain for Many Years to Come in the State of Nature. In the Event of the Distillery System being Adopted, it Would Certainly be Incumbent on the Government to Keep a Watchful Eye on the Consumption of Grain by them, and to guard against the price

being ever raised beyond a Standard Rate, and Also to Stop the Working of the Distilleries at all times When there Was the least Apprehension of Scarcity, Whether Arising from the Stock of Grain failing by any Fatality of Season, or otherwise. Under Such Restrictions I feel assured that *Plenty* would be the Consequence, and a pure Spirit Would be produced to the Exclusion of the deleterious Spirits of Bengal or Rio de Janeiro. It may not be improper to remark here to Your Lordship that the Extensive Tracks of high Forest-Land, Which I have Assigned to Settlers, Completely do away every Apprehension that might be entertained from the Floods of the River Hawkesbury, which formerly Swept away almost the entire Produce of the Season. The Lands of this Kind now in Cultivation are in themselves Sufficient to supply Grain enough for the present Consumption (the Casualties of the Season apart) of the Colony, independent of the Produce of the Hawkesbury, and were the Demand Increased, the Supply Would go hand in hand with it.

1814.
7 Oct.
Proposed
establishment
of distilleries.

Arguments in favor of Distilleries, such as I have now urged, I have Submitted in a former Dispatch* to Your Lordship, and have now trespassed so far on Your Lordship's time by bringing them again to your Consideration from the Conviction, that, Wherever Established, they will Confer the greater Obligation on the Land-Holders and every other Class of the Community, and be of the greatest reciprocal Benefit to the Colony and the Mother Country. In a former Dispatch,* I Stated Incorrectly that the old Settlers expected to reap all the Advantage to themselves of the Distillery, Whenever it should be Sanctioned from Home. All that they Meant, or that *I should* have Understood from them, was that, as they have had Years of the laborious Concerns of the Colony to Struggle with, they hoped they Would be Allowed a full Share in the Advantages which are anticipated from the new Establishment, and that *no Exclusive Privilege* would be granted to *New Comers* who might be disposed to Speculate in such an Establishment.

25. In Consequence of Several large Shipments of Spirits having been Made into this Port during the Years 1812 and 1813 from India, Java, Mauritius, Rio-de-Janeiro, and some from England, I was induced to permit the several Importers to Land and Sell Considerable Quantities of them, rather than disappoint them so far as to oblige them to Carry them off from hence, Which Would have deprived them of the Advantage they had Calculated on from this Market: but in granting this Permission I necessarily Infringed on the Exclusive Privilege Conceded to the Contractors for the General Hospital, and they in Consequence demanded a Compensation† for the Injury they Sustained

Large
importations
of spirits.

Infringement
of privileges
of hospital
contractors.

* Note 65. † Note 66.

1814.
7 Oct.

Extension of
privileges
under contract.

Conclusion
of hospital
contract.

Adverse
criticism of
the contract.

Importation
of spirits to be
unrestricted.

Proposed duty
on spirits.

thereby. Feeling that they had a fair Claim on this Account, I found Myself under the Necessity of Extending the Term of their Exclusive Right of Importation for Eight Months beyond the Time limited in the Contract, Which brings that Privilege on to the 1st of January Next. In the Hurry of other Affairs, I find that I have omitted, Until the present time, to Inform Your Lordship of this Circumstance for Which I have now to Apologize, and to express the Hope that, under the Circumstances Stated, Your Lordship will approve the Motive and the Measure. The Contract will be finally Ended* long before this Dispatch will probably reach Your Lordship, and I have only to add that it was *the First*, and it shall be also *the last* of that Nature, Which I shall Enter into, Whilst I have the Honor to retain the Government of this Country. I trust Your Lordship will Excuse My Adverting in any Degree to the Clamour, which has been Made against this Contract both here and in England, as it is designed to give a very false Impression of Me, and has been raised by Selfish Individuals in the Mercantile Line, who by Means of it have been restrained from Making All the Profits they Expected by Saturating the Country with Spirits; their Hopes thus blasted, they have not had the Justice or Liberality enough to admit that the Measure Effected Was one of Very great and lasting Importance to the Colony. This Clamour must now Cease, as the Restrictions it imposed are nearly at an End, and I shall ever reflect with proud Satisfaction that, in Erecting this Spacious, Ornamental and Most Useful Building, I have Conferred A lasting Benefit on the Colony without any Departure from Public Duty, or Violation to the Revenue of the Crown.

26. On the Expiration of this Contract in January next, I shall, in pursuance of Your Lordship's Commands,† Declare by Public Advertisement or Proclamation the Port of Sydney open and free for the Importation of Spirits, in Common with all other articles of Trade from British Ports or the British Colonies, subject however to Such Duties as it may be expedient to lay on them. The Avidity, with Which Spirits are brought here, and the Very great Profits arising to the Importers and Retailers of them, Induce Me to think that an Additional Duty may be laid on them, Without prejudice to the great Mass of the Consumers. It is therefore My Intention to raise the Duty, from and After the first of January Next, to the Sum of Seven Shillings per Gallon, which will give a very Considerable Increase to the Revenue, and will I trust be Approved by Your Lordship. After the Opening of the Port, I mean to discontinue the Annual Issue of Spirits at a limited price to the Officers,

* Note 66. † Note 67.

Civil and Military of this Government. The Issue in this Way for the *present* Year Must however take place, Altho' it will probably be deferred until the beginning of the Next. I shall also Avoid making further Purchases with Spirits for Government.

1814.
7 Oct.

27. I shall have great Pleasure in Ordering an Addition of £150 p. Ann. to the Salary of Lieut. Governor Molle, to be paid from the Colonial Funds, agreeably to Your Lordship's Commands; and I shall feel Particular Satisfaction in paying Mr. Wentworth the Salary of £200 per Ann. as Superintendant of the Police, his Active, Zealous and Unremitting Exertions in that Department justly Entitling him to that Remuneration. I purpose paying Lieut. Gov. Molle his Additional Salary from the date of his Arrival, and that of Mr. Wentworth from the Date of his Appointment. The Funds being at present low, I shall defer the payment of these Salaries Until the beginning of the next Year. The two Solicitors, and the Clerks of the Judge of the Supreme Court here, and Judge Advocate of Van Diemen's Land, will agreeably to Your Lordship's Commands be paid also from the Colonial Funds. These Solicitors have not yet Arrived here, nor Mr. Abbott at the Derwent.

Salaries of
Molle and
Wentworth.

Salaries to be
paid from the
colonial funds.

28. Altho' Salaries have been Voted in the Annual Parliamentary Estimate for Two Clerks in the Secretary's Office, I beg to Observe to Your Lordship that they Never have been drawn for on the Treasury or Colonial Agent (as a Reference to his Accounts will shew), but have been paid here from the Colonial Funds. The Salary of the Barrack Master and the Government Printer, tho' likewise provided for by Parliament, have been Also paid from the Funds here. This has Arisen from the Choice of those Officers themselves, to Which I acceded for their Accommodation. This Circumstance will Account to Your Lordship for their Names appearing in the Accounts of the Police Fund, now transmitted. There are also in the Police Accounts two Small Salaries, Charged for two additional Clerks occasionally required in the Secretary's Office, when the Press of Business is too great for the two regular Clerks to be Able to perform it. Your Lordship may rest assured that I am Particularly Solicitous not to burthen the Funds with any Salaries or Expences that Can be avoided.

Salaries
previously
paid from the
colonial funds.

29. All the Specie, received from India by H.M.S. Samarang for the Use of Government, has been Cut, Marked, and Stamped in the Manner I formerly reported to Your Lordship, and placed in the Hands of the Deputy Commissary General to be Issued by him in Payment of Grain and Animal Food required for the Stores. These Dollars pass for Six Shillings and three pence Sterling each,* and form a Most Useful and Valuable Circulating

Specie placed
in circulation.

1814.
7 Oct.

Medium, which the public are fully Sensible of. I do Myself the Honor to transmit Your Lordship the Receipt of Deputy Commy. General Allan for the total Amount of this Specie, for Which He has become Answerable to the Lords Commissioners of His Majesty's Treasury.

The disposal
of female
convicts.

30. In Reply to Your Lordship's Observations on the Difficulty I had expressed in a former Dispatch of Appropriating the Female Convicts, I beg to State that the Young and Healthy Women may be Well disposed of, so soon as a Factory on a Sufficiently large Scale shall be Erected for their Reception and Employment on their Arrival in the Colony, or Until they shall be disposed of in Marriage, or as Servants in the families of Married Men. My Observation was only Meant to apply to the Case of old and infirm Women, Many of Whom Arrive both from England and Ireland, Who being Incapable of Work remain a Weighty Expence on the Government. In a former Dispatch, I requested Your Lordship to have the Goodness to order or appoint A Superintendant for the Factory at Parramatta. He should be acquainted with Weaving and the different Processes in the Manufacture of Linens and Woollen Cloths. A Man of this Description and of Sober Correct Manners, being Sent hither, Would be a very great Acquisition, and I beg to repeat the Request that Your Lordship will give the Necessary Directions for such a Person to be procured and Sent hither by an early Opportunity.

Superintendent
of factory
required.

Reasons for
granting leave
of absence to
Fosbrook.

31. Mr. Fosbrook of the Commissariat Department, Who is at present under the Sentence of a Court Martial,* being in a very bad State of Health, as has been Certified to Me, and Very Anxious to proceed to England in the Hope that the Voyage may recover him, having Solicited My Permission for this purpose, I have granted him Twelve Months Leave of Absence, and he proceeds by the present opportunity to England. As Mr. Fosbrook's Accounts with this Government are Not Yet finally Settled, I have order'd him to find good Securities with himself to the Amount of £1,000 to Meet any Claim that Government may eventually have against him, Which Was the only Terms on Which I should have granted a Leave of Absence. Mr. Fosbrook and his Securities having Entered into a Bond for this purpose, I do myself the Honor to transmit Your Lordship the Counterpart of It.

Security bond
provided by
Fosbrook.

Arrival of
the ship
Seringapatam.

32. I have much Satisfaction in reporting to Your Lordship that on the 1st of July last the British Ship Seringapatam (South Sea Whaler) late of London Arrived in this Port. This Ship had been Captured on her outward bound Voyage to the

Fisheries in the Month of July, 1813, by the American Frigate Essex, and finally Carried by her to the Marquesas, at Which place She was recaptured by Fourteen British Seamen on the 6th of May last, Without any Act of Violence or Severity being Offered to the Enemy. The Seamen, Who so bravely effected the Recapture, brought the Vessel to this place as the Nearest British Port, and immediately put themselves and her on the protection of this Government. I referred the Case to the Court of Vice Admiralty; but, it Not having Jurisdiction in Prize Cases, I have deemed it Expedient to dispatch her for England for Adjudication by the Court of Admiralty. None of the Seamen, who recaptured the Seringapatam, Considering themselves Competent to the Safe Navigation of her on so long a Voyage, I have at their Instance and Solicitation Appointed Mr. Eber Bunker, a very able and expert Seaman, and of a Most respectable Character, Who has long been a Resident in this Country, to the Command of her, and have furnished him with a Protection, and a Letter addressed to the Lords Commissioners of the Admiralty, Informing them of the peculiar Circumstances of this Case, and recommending the Recaptors to their Lordships' humane Consideration.

1814.
7 Oct.
—
Capture and
recapture of the
Seringapatam.

Seringapatam
sent to England
for adjudication
by admiralty
court.

33. The Detachment of the 73rd Regiment, Which Was left here on the General Embarkation of that Corps for Ceylon, in Consequence of there Not being sufficient Accommodation on board The Windham and General Hewitt, Transports, Still Continues here, No Suitable Shipping having Offered for their Conveyance thither. I expect that the Somersetshire, Which I understand is destined for India, will be glad to receive this Detachment, and it is My Intention to send it by that Opportunity, if possible.

Detachment of
73rd regiment
in the colony.

34. I have great Pleasure in reporting to Your Lordship that this Country is at present in a State of perfect Peace and Tranquility. In My former Dispatch* I had to Notice Some Sanguinary Acts on the part of the Natives, but since that Period they have Entirely discontinued their predatory Incursions and Savage Attacks on the Settlers. They have even Made such Advances towards a good Understanding for the future as to Make Submissions for the past. It has long been in Serious Contemplation with me to Endeavour to Civilize the Aborigines of this Country so as to render them Industrious and Useful to the Government, and at the same time to Improve their own Condition. Having made some Arrangements for this purpose, I shall address a Separate Dispatch* to Your Lordship on that Subject by the present Opportunity.

Intercourse
with the
natives.

* Note 70.

1814.
7 Oct.

Consequences of
the drought.

35. I am Concerned to say that the present appearances of the Crops of Grain in the Ground are not by any Means promising, and from the long Continuance of Drought, Whereby the Grain has Suffered very Materially, I am apprehensive that the Ensuing Harvest will be a very Scanty One, Altho' a greater Quantity of Land is under Grain than has been any Season Since My Arrival here. The Seasons appear to have Undergone a Complete Change in this Climate within the last 3 Years. Antecedent to that Period the Rains Came in such Torrents, as frequently to Sweep away All the Promise of the Year, but within this Period the Droughts are so Continued that All Vegetation is nearly at an End; the Consequence of Which and of the Exhaustion of the Springs has been that a Very Alarming Mortality among the Cattle took place last Year, and the same Causes, Existing now, excite great Apprehension of a Repetition of that Calamity. In other respects, I am happy in being Enabled to State that the Country is in a progressive State of Improvement, The Settlers taking much Pains in Clearing, Enclosing, and Cultivating their Lands. Among the Superior Order of Settlers, A Spirit of Cultivation has also taken place, and they now devote a Share of their Attention to Agriculture, Instead of Confining themselves as heretofore to the Grazing System only.

General progress
of the colony.

36. Having Already Made a Communication at some Length to Your Lordship on the Subject of the rich and fertile Region of Country, which was Explored beyond the Blue Mountains in December last by Mr. Evans the Deputy Surveyor, Your Lordship will I trust be pleased to Learn that in order to the rendering this New Country beneficial to the present Settlement, I have had a party of from 40 to 50 Men Clearing a passage and forming a Road* over the intermediate Mountains. These Men Commenced the Work on the left bank of the Nepean River on the 18th of July last under the Direction and Superintendence of Mr. William Cox, principal Magistrate at Windsor (formerly paymaster of the 102d Regt.), Who Very Kindly volunteered his Services on the Occasion, which I accepted the more readily from the Consideration that he is particularly Well adapted for such a Business, being Active and Very Intelligent in the Conduct of such Affairs. He has Already Completed 28 Miles of good Road across the Blue Mountains, and he expects to have it Completed to "*Bathurst Plains*" (a distance of 154 Miles from the Commencement at the Nepean) by the Month of March Next. Once he gets over the present Difficulties of the Mountain, and descends to the Plains on the Western Side of them,

Construction of
a road across
the Blue
Mountains.

* Note 42.

the Work will go on rapidly. When the Road shall be nearly finished, I purpose to proceed to the Extent of Mr. Evans's Discoveries beyond the Mountains, and to Make as Minute an Estimate of the Importance of this Acquisition as My own Judgment will enable me. The Expence of Constructing this Road will be very trifling to Government, the Men Employed in it being Convicts, who Volunteered their Services for this Work on the Condition of receiving Emancipation for their Extra Labor on the Conclusion of it. This is the only Remuneration they receive, except their Rations, and I have agreed to Emanicipate them accordingly, they being A Considerable time in this Country and of decent Conduct, provided they perform the Work to my Satisfaction. May I express the Hope that this Arrangement will Meet Your Lordship's kind Approbation?

1814.
7 Oct.

Proposed
examination of
new country
by Macquarie.
Expense of
constructing
the new road.

37. The Light Horse or Body Guard being of Very Great Use in going Expresses and Conveying My Orders to the distant parts of the Colony, as well as on Many other Occasions, I feel much gratified by Your Lordship's Sanctioning* the Continuance of it, and its Increase to one Serjeant, One Corporal and 12 Privates, as formerly proposed by Me.

The governor's
bodyguard.

38. It has afforded me the Most Sincere Gratification to find, from Your Lordship's late Very Obliging Communication on that particular Subject, that your Lordship Approves of my Motives and Conduct in regard to the Re-Admission to Society of Certain Persons,† who had formerly been Convicts, but Whose Good and Meritorious Conduct during their Exclusion rendered them, on the Recovery of their Freedom, deserving of that place in Society, which they had formerly forfeited. On this Subject, Your Lordship may rest fully Assured of my paying the Most respectful Attention to the humane and Wise Line of Conduct, Which You have Suggested for My Guidance. To the high and Important Duties of the Magistracy, I shall be particularly Cautious not to Advance any Person, Who shall not appear to me fully and respectably Qualified. On this principle I have heretofore Acted, and Whilst I have the Honor of Administering this Government, I shall not deviate from it, being fully Sensible of the Necessity for the Making those Appointments as respectable as the Nature of the Colony and the Population Will Admit. Some Illiberal Men there Certainly are in this Country, Who Would destine a fellow Creature, Who had once deflected from the Path of Virtue, to an Eternal Badge of Infamy, and however a Subsequent Conduct of Rectitude Might be expected to throw a Veil over past Errors, Yet in the Eyes of such persons no Reform, No Amendment however Sincere, Will be admitted as

The treatment
of emancipists,
expirees, and
exiles.

Opposition to
Macquarie's
measures.

* Note 71. † Note 72.

1814.
7 Oct.

Opposition to
Macquarie's
measures.

Sufficient for this purpose. I am happy in feeling a Spirit of Charity in Me, which shall ever Make Me despise such Unjust and illiberal Sentiments. I am happy to add that the Illiberality of Sentiment, I have now dwelt on, is Confined to a few; tho' I am Sorry to be Obligated to Avow that they are to be found in the higher Class, where more Enlightened and liberal Sentiment Might have been reasonably Expected to be Cherished.

Returns
and reports
transmitted.

39. Exclusive of the Several Documents, Already referred to in this Dispatch, I have the Honor to transmit Your Lordship the following Returns and Reports.

1st. The Account Current of the Expences of the Colony from 24th February last (to which Period the former one has been Already transmitted) to 24th August, 1814, Inclusive.

2. A List of Bills drawn by the Dep. Com. Genl. on the Lords of the Treasury and Colonial Agent from the 24th April to 24th September, Inclusive.

3. A Demand for the Annual Supplies of Stores, Slop Clothing, Ordnance and Naval Stores, for the Use of the Colony.

4. A Statement and Return of the Provisions remaining in H.M. Stores on 25 June, 1814.

5. Report of the Naval Officer Containing the Arrivals and Departures of Ships and Vessels from the 1st of April to the 30th of June Inclusive, and the Acco't of the Duties, Collected by him, within the Same Period.

6. The Acco't of the Colonial Police Fund from the 1st of April to the 30th June, 1814, Inclusive.

7. Report of Prisoners tried by the Crim'l Co't at Sydney from the Date of the former Return, the 25 April, to the 1st inst., Inclusive.

8. A Return of Convicts, Male and Female, Arrived from England and Ireland, from the 1st Jany. to the 30th June, 1814, Inclusive.

9. A Return of Marriages, Births, and Deaths, from the 1st of Jany. to the 30 June, 1814, Inclusive.

Transmission
of despatch.

40. I Commit this Dispatch for Your Lordship to the Care of Mr. Eber Bunker, Master of the recaptured Ship Seringapatam, who will take the greatest Care of it, and I have directed him to deliver it to Your Lordship immediately on his Arrival. I have now Only to add that Mr. Bunker is a very respectable Man, and from his long Residence here Well qualified to give Your Lordship any Information in regard to the State of the Colony, which Your Lordship may be disposed to require of him.

I have, &c.,

L. MACQUARIE.

[Enclosures Nos. 1 and 2.]

1814.
7 Oct.

[These were copies of Governor Macquarie's despatch to the commissioners of the transport board, dated 1st October, 1814, and of the enclosure to that despatch.]

[Enclosure No. 3.]

SIR JOHN JAMISON* TO GOVERNOR MACQUARIE.

Sir,

Sydney, 24th August, 1814.

I beg leave to State to Your Excellency that My Nepean grazing Farm,† consisting of Nine hundred Acres, begins to be much too limited for the support of my Herd of Oxen and breeding Cattle, now between five and Six hundred Head in Number, and I look for an encrease of nearly two hundred Calves in the Course of Six Weeks. Your Excellency's extensive knowledge of the Country, you Govern, enables you to Judge correctly how unequal such a Confined tract of Pasture land is to Maintain such an increasing Stock of Breeding Cattle. And it is also well known to you, that I cannot at present sufficiently reduce their Number, without great loss to myself, and perhaps injury to the interest of breeding Cattle in the Colony.

Insufficiency
of pasture
belonging to
Jamison.

Under these Considerations and Your Excellency's constant application and attention to the interests and well doing of the Colonists, I trust it may not appear unreasonable in me, to request that Your Excellency will be pleased to grant me such an Additional tract of adjoining pasture land as you may think necessary. The Overseer of My Stock assures me that I lost twenty two of my Old Cattle last year from real Starvation, owing to the extreme dry Season making their Confined Pasture still more unequal to their Support. It appears the general fatality among the Cattle in the Colony did not Originate in this Cause, but from want of Water, or the Ponds being so lowered that Numbers were forced into them and could not return, mine it seems did not suffer from this cause, as they freely resorted to the Nepean River. I find the Land Surrounding my farm is granted away in large lots, except in One direction,‡ where there is a Considerable tract of Land unappropriated, and tho' considered to be of very inferior quality still it would be of great importance to me as affording My Stock additional Grazing Scope: two Small Grants of One hundred Acres each, the Property of Mr. Rose and Thompson of Sydney, only interpose between my farm and the disposable land alluded to.

Request for an
additional
land grant.

In the Year 1811, at the request of My Agent in this Country (Mr. Throsby), I applied to Lord Liverpool to recommend me to

* Note 58. † Note 73.

1814.
7 Oct.
—
Previous
applications for
land grants.

Your Excellency for a Grant of a tract of Land then called Emu Island; I received what I considered a very favourable Answer from His Lordship which I enclosed to you, but finding it has not come to hand, I Apprehend it was on board the Emu when Captured. However all my Letters and Papers on board that Vessel were to be sent to England, and I look for them in the first Transport from thence. Not Knowing by what Conveyance the Letter alluded to has been forwarded, and not receiving your Answer, shortly before I left England I renewed my application to Lord Bathurst on the precedent of the Grant ordered by His Lordship to Mr. Lord, and to know how far it might be proper for me to carry His Lordship's Sanction, so as to leave Your Excellency at Liberty, if you pleased, to grant me Emu Plains as being of such Consequence to My Stock of Black Cattle and Horses. I received His Lordship's Answer through Mr. Goulburn as extracted in the following Words:—

“Downing Street, Jany. 3d, 1814.

“I am directed by Lord Bathurst to acknowledge the receipt of Your Letter of the 2nd inst., requesting a Grant of a tract of Land in New South Wales Called Emu Island, In reply I am directed to Acquaint you that the particular tract, Specified by you, appears to be One reserved by Governor Macquarie for Government purposes, and consequently Lord Bathurst cannot feel himself at liberty to Accede to that part of your request. How far the Governor may on your Arrival in the Colony consider it adviseable to grant you an extensive tract of Land is a question, which can be decided by the Governor alone.” “The case of Mr. Lord, which you have referred to, is one which bears no analogy to Lord Bathurst's measures, since the grant made to him was only in consequence of an express promise made to him by Lord Castlereagh in the Year 1805, a period at which the Value of Land in the Colony, and the inconvenience of improvident grants had not been sufficiently known.

“HENRY GOULBURN.”

In a subsequent interview, I was perfectly Satisfied that Lord Bathurst had not Specified certain Allotments of Land to any Person coming to this Colony during His Lordship's Administration in the Colonial department, but left it entirely to your discretion and Arrangement, which made me perfectly Content to depend on you.

I have the honor to subscribe Myself with great respect, &c.,

JNO. JAMISON.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDERS.

1814.
7 Oct.General orders re
allowances and
government
servants for
civil and
military officers.

Head Quarters, Sydney, Saturday, 3d September, 1814.

HIS Excellency the Governor is pleased to direct that the following Extracts from a Public Dispatch from the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, dated London, 3d February, 1814, and recently received by His Excellency, shall be published for the information and Guidance of all Persons concerned:—

“Until I received your Dispatches by the Isabella, I was not aware that the Families of the Civil Servants in the Colony received Rations from the Public Stores, and I am to desire that you will give immediate Orders for putting a Stop to this Practice, as well as that of allotting to each a Government Servant, clothed and Victualled at the Public Expence. However necessary such a favor might have been at the first Establishment of a remote Settlement, there is not the least Ground for continuing it in the present State of the Colony. The Civil Servants will, however continue to draw their own Rations until further Orders.”

“The Allowance of One Government Man to each Military Officer is also a Practice, which should be immediately discontinued, more especially as I suppose the Officers have the usual Privilege of taking a Servant from the Ranks; and both they and the Civil Officers will still have it in their Power to apply to you for Convict Servants, if they chuse to be at the expence of feeding and Clothing them.”

“You will, however, consider whether this should apply to those Gentlemen, who act in the Capacity of Magistrates, and who have hitherto received the Advantage of Government Servants, as a Compensation for their Trouble, in thus Acting as Justices of the Peace.”

“I am also to authorise you to discontinue the Issue of Fuel, at the Public Expence, to the Civil Servants.”

In Pursuance of the foregoing Orders and Instructions HIS Excellency the Governor directs that the Families of all the Civil Servants serving in this Territory and its Dependencies shall be struck off the Government Victualling List, from and after the 30th day of the present Month of September; and that no Fuel shall be supplied, after that date, to any Civil Officer. The Government Servants, at present attached to all Civil and Military Officers, who are Victualled at the expence of the Crown, are to be struck off the Store from and after the 30th Instant.

1814.
7 Oct.

General orders re
allowances and
government
servants for
civil and
military officers.

Civil and Military Officers, who may wish to retain their present Government Servants off the Stores, are to Notify the same to the Principal Superintendent of Convicts (in Writing) on or before the above date, of the 30th September instant; and those, who do not mean to retain their Government Servants on the above Conditions, are hereby required to surrender them to the Principal Superintendent of Convicts, on or before the 1st of October next ensuing.

Government
servants allowed
to magistrates.

Agreeably to the Instructions contained in the foregoing Extracts from the Secretary of State's Dispatch, the Magistrates are still to retain four Government Men each, as heretofore, in Compensation for their Services as Justices of the Peace.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Sec.

[Enclosure No. 5.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Saturday, 1st October, 1814.

Suspension of
orders relating
to allowances
to subordinate
civil officers.

IT is HIS EXCELLENCY the GOVERNOR's Intention to make a Communication by the earliest Opportunity to the Right Honourable EARL BATHURST, Secretary of State for the Colonies, on the Operation of the General Orders issued by HIS EXCELLENCY on the 3d Ultimo under His Lordship's Directions, so far as they relate to a certain Class of Civil Officers, holding subordinate Situations under this Government; he is pleased to say that he will suspend the Operation of said Orders to that Class of subordinate Officers, until he shall receive His Majesty's further Commands in Reply to this Communication.

In adopting this Resolution, and taking the Responsibility necessarily arising therefrom on himself, HIS EXCELLENCY is influenced by the Consideration that the Salaries, at present attached to the Situations herein alluded to, are in themselves a totally inadequate Compensation for the Duties required of the Persons holding them:—HIS EXCELLENCY has therefore directed that all Government Schoolmasters, Storekeepers, Head Clerks, Chief Constables, Jailors, Superintendants, and Overseers, with their Families and one Government Man each, shall be continued on His Majesty's Stores until further Orders.

Although the GOVERNOR does not by any means approve of the Practice, which has hitherto prevailed among the Superintendants, Overseers, and other inferior Officers, of hiring out the Government Servants assigned to them on the Stores (it being in many Respects objectionable), yet under the Consideration that

some of those Persons have no Salaries, and the Remainder very inadequate ones, he is induced to authorise the Continuance of it under the following Restrictions, until such Time as another Mode of Remuneration shall be adopted in Lieu of such Indulgence.

1814.
7 Oct.

Regulations for
government
servants granted
to subordinate
civil officers.

It being absolutely necessary that the Places of Residence and particular Occupations of the Men, assigned to such inferior Officers, and by them hired to other Persons, should be known and registered at the Office of the Principal Superintendent of Convicts at Sydney, it is hereby ordered and directed that all inferior Civil Officers, who thus hire out their Government Men, shall immediately send in to the Principal Superintendent a Report, in Writing and signed by them, of the Names and present Places of Residence of their said Government Men, and also the Names of the Persons by whom they are hired.

On receiving this Report the Principal Superintendent is to grant a Certificate to each Man, so transferred, specifying to whom he belongs, and how, where, and by whom employed.

The Government Men, thus disposed of, when possessed of the prescribed Certificate from the Principal Superintendent, are not to quit the Employ of the Person, or leave the District mentioned therein, without applying to and obtaining the Permission of the next District Magistrate, and on such Permission being granted, the Person obtaining it is to apply to and obtain a fresh Certificate from the Principal Superintendent in the same Form and Manner, as before prescribed, surrendering at the same Time the Certificate granted on the former Occasion.

The Principal Superintendent is to send a List of the Names and Employments of all Government Servants of the foregoing Description, and of those by whom employed, to the Magistrates of the Districts, in which they respectively reside, retaining a Register of the same for Reference in his Office. He is also to apprise the Magistrates of the Districts concerned of all Changes of Residence from the one to the other, which he may grant Certificates for.

All such Lists and Changes to be transmitted once in each Month to the respective Magistrates concerned therein.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

[Enclosure No. 6.]

SECRETARY CAMPBELL TO COMMISSARY ALLAN.

Sir, Secretary's Office, Sydney, 24th September, 1814.

I have it in Command to call your Attention again to the Government and General Orders, issued on the 3d Instant, and

1814.
7 Oct.

Instructions to
commissary *re*
allowances to
civil servants.

Servants
allowed to
magistrates.

Suspension of
orders *re*
subordinate
civil officers.

Government
servants of
civil officers.

Victualling of
families of
junior officers.

to repeat to you that His Excellency the Governor requires of you to have them Carried into Effect at the prescribed time (the 1st Proxim), so far as rests with you, not only at Head Quarters, but also at all the Subordinate Settlements of Parramatta, Windsor, Castlereagh and Liverpool, by striking off the Government Stores the Families of all Civil Servants and also the Servants of all Officers, whether Civil or Military, *and Comprehending among others those of the Governor and Lieut. Governor.*

The Officiating Magistrates are an exception from the foregoing Regulation, they being allowed the Services of Four Men each, as a Remuneration for the Duties of their Offices, and you are of course to Issue Rations and Slops as heretofore to those Persons.

His Excellency, having some doubts whether it is the intention of Lord Bathurst to include the families of the Storekeepers, Superintendents, Clerks, Constables and Jailors in the general List of Persons to be struck off the Stores, wishes you to understand that He means to take the Responsibility on himself of continuing all those under the foregoing Denominations on H.M. Stores, until such time as He shall receive Lord Bathurst's Instructions in reply to a Communication, which His Excellency means to make his Lordship by the earliest Opportunity on that Subject; and He trusts that the Consideration of the small Salaries, attached to those Situations, will induce His Lordship to Sanction their being permanently continued as heretofore on the Stores.

The Government Men, hitherto allowed to the Storekeepers and Head Clerks, Superintendants, Overseers, Head Constables, and Jailors, and some few other Subordinate Officers, are likewise to be Continued on the Stores for the same reasons as the preceding, until further Orders.

Several Civil Officers having Government Men assigned to them on the Store in their capacities as Settlers or Proprietors of Land, A List of their Names is herewith sent to you with the Number assigned to each of those Officers, and for what time; which List or Schedule is to be your guide in Victualling and Clothing those Servants.

The Families of all Subordinate Civil Officers, whose Salaries are under One Hundred Pounds Per Ann., together with the Government Man assigned to each as a Servant, are likewise to be continued on the Stores, until further Orders.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

[Sub-enclosure.]

1814.
7 Oct.

LIST of Names of Civil Officers having Government Men assigned to them *as Settlers*, and who are to have the Number of Men, Annexed to their respective Names, Victualled and Clothed at the expence of the Crown for Eighteen Months from the 1st of October, 1814, Vizt:

Return of civil officers to whom government servants are assigned.

No.	Names of Civil Officers.	Quality.	Number of Men.
1	Lieut. Colonel Molle	Lieut. Govr.	8
2	John Thos. Campbell, Esqre.	Secretary	4
(exclusive of One Man permanently on the Store as an Office Keeper.)			
3	David Allan, Esqre.	Depy. Comy. General	8
4	John Oxley, Esqr.	Surv'r General	6
5	Wm. Gore, Esq.	Prov't Marshal	4
6	Revd. Wm. Cowper	1st Ass't Chaplain	2
7	Revd. Mr. Fulton	3d Ass't Chaplain	2
8	Revd. Mr. Vale	4th Ass't Chaplain	1
9	Mr. James Meehan	Depy. Surv'r General	2
10	Mr. William Redfern	Ass't Surgeon	2
11	Mr. Edwd. Luttrell	Ass't Surgeon	1
12	Mr. Wm. Evans	Ass't Surgeon at Newcastle	2
Total			42

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 7.]

THE MEMORIAL OF THE SUPERINTENDANTS, OVERSEERS, HEAD CONSTABLES AND JAILORS, SERVING UNDER THE GOVERNMENT OF NEW SOUTH WALES.

Memorial of subordinate officials *re* their allowances.

To His Excellency Governor Macquarie, etc., etc.

Dutifully Sheweth,

That your Memorialists observe a Government and General Order issued under your Excellency's Authority in the last Week's *Gazette*, importing that their Families, together with their Government Servants hitherto allowed them, are to be Struck off the Government Victualling List from and after the 30th Instant.

That your Memorialists have been several years in the Service of Government with the Allowance of said Rations and Men, as a Compensation for the Smallness of their Salary, and now to be deprived of such Compensation would subject them to the greatest inconvenience.

And your Memorialists presume Your Excellency is aware that the Salary attached to their respective Situations is altogether insufficient to clothe their Families, so that the Carrying said Order into effect will necessarily withhold from them the means of support.

Your Memorialists therefore humbly trust that the said Order will not apply to them, as Subordinate Civil Servants of the

1814.
7 Oct.

Memorial of
subordinate
officials *re*
their allowances.

Crown in this Colony, and that Your Excellency will be pleased to represent their Situation to His Majesty's Ministers, and Continue their Rations and Servants as hitherto, until further Instructions shall arrive respecting them.

And Your Memorialists as in Duty bound will ever Pray, &ca.,

WILLIAM HUTCHINSON, Princ'l Super't.

WILLIAM COSAR, Master Builder.

NATH'L LUCAS, Super't of Carpenters.

THOS. LEGG, Sup't of Brick Layers.

DAVID LANGLEY, of Smiths.

JOHN O'HEAREN, of Stone Masons.

ROBERT JONES, Assistant Sup't of Police.

JOHN REDMAN, Chief Constable.

DANIEL CUBITT, Jailer.

Sydney, 9th Sepr., 1814.

[Enclosure No. 8.]

THE MEMORIAL OF THE COLONIAL MEDICAL OFFICERS OF
NEW SOUTH WALES.

Petition of
medical officers
for betterment
of conditions
of service.

To the Right Honorable Earl Bathurst His Majesty's Principal
Secretary of State for the Colonies &c. &c. &c.

Most Respectfully and Humbly Stateth,

1. That, from the very high Price of every Article of European Produce and manufacture, which is seldom less, than two or three hundred Per Cent. on that of the London Market, Memorialists having long felt it impossible, with all the Allowances and Indulgences hitherto granted, to exist, and support the appearance of Gentlemen on their Pay.

2. That Memorialists beg leave most humbly to represent to Your Lordship, that low as their Means of Existence have hitherto been, it is rendered still much lower—by carrying into effect Your Lordship's instructions, as promulgated in His Excellency's The Governor's "Government and General Orders" bearing date the third day of September 1814 (a Copy of which is hereunto Annexed) wherein their families are directed to be struck off the Stores, the Servant heretofore Victualled by the Crown, and the supply of Fuel to be discontinued.

3. That although this Order seems to affect Memorialists but in common with His Majesty's other Civil Servants in the Colony, yet they Most Humbly Presume to state for Your Lordship's consideration the Grounds on which they conceive it affects them in a more peculiarly distressing Manner, than any other Officer or set of Officers in His Majesty's Colony or Service.

4. That Memorialists most respectfully solicit Your Lordship to take into Consideration, the expensive preparatory Education necessary to qualify them for the Study of Medicine, and still more expensive Subsequent Courses of Instruction, to enable them to practise the Profession of which they made choice with Advantage to the Public and satisfaction to themselves.

5. That although they have the honor of holding His Majesty's Commission in common with the Medical Officers of the Army and Navy yet it is with pain and regret, that they feel themselves compelled from the Peculiarity of existing Circumstances, to observe, in taking a Comparative view of their relative situations, that Memorialists cannot but be sensible of the degrading inferiority of the Rank they hold on His Majesty's Medical Staff.

6. That the Medical Officers and all others Officers in His Majesty's Army and Navy are allowed Servants from the Ranks and from the Ship's Company at a very reduced rate; whilst on the contrary, the wages and Provisions of a Servant in New South Wales, which cannot be calculated to the Master at a less Sum than Fifty Pounds Per Annum, would absorb nearly one Half of the Assistant Surgeon's Salary.

7. That the Officers of every description have an Allowance of, or for, Fuel, when in Quarters.

8. That with-holding the Rations from their families whilst it is allowed to those of the Officers of the Army and Commissariat affects Memorialists in a most serious Manner.

9. That every Officer in His Majesty's Army and Commissariat is, in this and all foreign Stations, allowed *Bât and Forage*, according to his Rank.

10. That every Staff and Regimental Surgeon and even Assistant Surgeon, when on detached Duty in His Majesty's Army, has an Allowance for a Horse; whilst there is no similar allowance to the Medical Officers of New South Wales; although from the Nature of a Country of this description, the Colonial Medical Officers have not only to perform the duties of the respective Hospitals to which they are immediately attached, but to attend, to their own Houses, the Civil Officers, their Wives and Families, and also the Convicts, who are distributed to the various Settlers, scattered over the Country at considerable distances from each other, and from the Quarters of the different Medical Officers, without any Fee or Compensation; and that in order to enable Memorialists to perform this laborious Duty in a Warm Climate, they are under the necessity of keeping Horses at a very great expence.

11. That Memorialists' Pay is not only inferior to that of any other of His Majesty's Officers in the Colony—The Pay of a

1814.
7 Oct.

Petition of
medical officers
for betterment
of conditions
of service.

1814.
7 Oct.

Petition of
medical officers
for betterment
of conditions
of service.

Clerk in the Commissariat Department* of a few days standing, whose only requisite Qualification is that of writing a fair hand and casting up a column of figures—being, including his Allowances, superior to that of a Colonial Assistant Surgeon of many years standing; but their duty is more arduous and laborious, since there are regular fixed Periods for the Dispatch of the duties attached to the Situations of almost all His Majesty's Civil Servants in the Colony, whilst Memorialists from the nature of their duty are liable to be called to great distances in all Weathers, and at all Hours, as well in the Night as Day.

12. That, exclusive of the Superior Salaries of the other Officers of the Colony, there are Fees annexed to the performance of the respective duties in the various Offices; Whilst, on the contrary, there are neither Fees nor Perquisites from any Part of their Public Duty; but as it might be urged that they are not prohibited from Private Practice, Memorialists beg leave to observe, that the greater Number of those, who are able to Pay, conceive they have a claim on their Services and seldom think of making them any remuneration for their trouble, and that those from whom they might, with Propriety, demand a Fee, are from Poverty incapable of paying for Medical attendance; so that the Emoluments arising from Private Practice merit no Place in the Calculation.

13. That the Medical Officers in the Army and Navy possess, in point of promotion, a manifest advantage over the Medical Officers of New South Wales, since there is but one Medical Officer of the Rank of Surgeon, and since there is no routine of Duty in this remote part of the World opening a view to Promotion. Memorialists, therefore, most respectfully submit to Your Lordship's consideration the propriety of allowing their Promotion to proceed by a certain rate of standing, whereby they would be entitled to succeed to the Rank of Surgeons, Physicians, Deputy Inspectors, Inspectors &c. &c. in common with the Medical Officers of His Majesty's Army.

14. That as a certain Half Pay is allowed to the Officers in the Army, Navy, and Commissariat, And although they humbly presume, a similar provision is made for the Colonial Medical Officers of New South Wales, Yet as Memorialists have not had the honor of a Notification to this effect, they are emboldened to obtrude it on Your Lordship's Notice.

15. That as many of Your Lordship's Memorialists have spent, or are likely to spend, the greater part of their Lives in His Majesty's Service, and are, in common with other Men, daily liable to be removed by Death from their families, who would in this event, be unprovided for, they Most humbly Pray that

* Note 74.

Your Lordship will be pleased to place them on a footing with the Officers of His Majesty's Army &c. by affording their Wives, in case of their Deaths, a Claim on the Widows Pension.

1814.
7 Oct.

Petition of
medical officers
for betterment
of conditions
of service.

16. And Lastly—That Memorialists having taken the liberty of thus stating the various circumstances connected with their case; And resting their Claims on the justice and liberality of His Majesty's Government, of which Your Lordship constitutes so distinguished a part, are induced with all possible respect and deference to hope that Your Lordship will cause such favorable representations to be made to Their Most Gracious Sovereign in their behalf as will incline His Royal Highness The Prince Regent to afford Memorialists such Relief as He, in His Wisdom may conceive the peculiar hardship of their Case and justice of their Cause entitle them to.

So PRAY YOUR LORDSHIP'S Most Respectful and Humble Memorialists,

D. WENTWORTH, P. Surgeon.

J. MILEHAM, Assist. Surgeon.

WM. REDFERN, Assist. Surgeon.

EDW. LUTTRELL, Assist. Surgeon.

H. YOUNGE, Asst. Surgeon.

Sydney, N. S. Wales, 4th Octr., 1814.

[Enclosure No. 9.]

LIST or Schedule of the Number and Rank of Civil Officers in the Service of Government, who were Allowed Government Quarters or Barracks at Sydney, on the Original establishment of the Colony* of New South Wales, Vizt:—

List of civil
officers formerly
allowed
quarters.

1. The Judge Advocate.
2. The Secretary to the Governor.
3. The Provost Marshal.
4. The Naval Officer.
5. The Commissary.
6. The Deputy Commissary.
7. The Principal Chaplain.
8. The Assistant Chaplain.
9. The Principal Surgeon.
10. The Assistant Surgeon.
11. The Surveyor General of Lands.
12. The Deputy Surveyor General of Lands.
13. The Master Builder of the Dock Yard.
14. The Principal Superintendant of Convicts.

Sydney, N. S. Wales, 4th October, 1814.

Compared:—JNO. THOS. CAMPBELL, Secy.

1814.
7 Oct.

[Enclosure No. 10.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 20th Septemr., 1814.

The proposed
increase of
quit rents.

In Obedience to the Commands of Your Excellency, Conveyed by Mr. Secretary Campbell in his Letter of the 15th Inst., enclosing a Copy of a dispatch* from the Right Honble. Earl Bathurst, directing me to deliver my Opinion on the "Probable effect of raising the Quit rents from the present rate of Two Shillings on the Hundred Acres to One Shilling on each Acre on all future Grants, as directed in Lord Bathurst's Dispatch." I respectfully beg leave to submit to Your Excellency such Observations as my Official Situation has afforded me the Means of making.

Rents current
in the colony.

It appearing that the determination of Earl Bathurst to raise the Quit rents to One Shilling per Acre arises from an impression (in consequence of the increasing demand for Land) that the uncultivated and ungranted Portions of the Territory are of considerable Value, It will be proper to lay before Your Excellency a View of the Rents, demanded and given for Land in all parts of the Colony.

Rich Flooded Lands on the Banks of Rivers or Creeks, if cleared of Timber, and convenient to a Market, from	15s. to 20s. per Acre
In some Situations where Buildings are on the Grounds	25s. to 30s. per Acre
Cleared Forest Lands, not so rich or so well adapted for Cultivation, from	6s. to 8s. Do.
Uncleared Forest Lands, in a state of Nature, if affording Good Pasturage and Water, from	9d. to 1s. Do.
Indifferent Forest and Brush Wood Lands can seldom meet with a Tenant, and, when taken, can be had in most districts at	6d. Do.

These rates of Rent must of course be considered as applying only to Lands let on Lease or by the Year. If the Proprietor is also the Occupier, the benefit derived by him will in most situations be Considerably more, particularly on the Four first descriptions of Land; with respect to the fifth description, I have no doubt that the Holders would readily surrender their Lands, did the unappropriated Parts of the Colony admit of a Change being made for the better.

In Proof that the Rents, assigned to the above descriptions of Land, are not underrated, it will be necessary to state the Value

* Note 76.

of Lands held in Perpetuity,* and subject to the present quit rent, when brought either to a Public or Private Sale.

1814.
7 Oct.

Lands of the 1st and 2d description
may bring, exclusive of the

Value of
lands held in
perpetuity.

Buildings from £4 to £6 per Acre
Lands of the 3d Description from £2 to £3 Do.
Do. 4th Do. from 10s. to 12s. Do.

And of the 5th, a Sale can scarcely

be effected at from 3s. to 5s. Do.

except they have some peculiar local advantage of Situation, Natural Boundaries, &c. to recommend them, and then the Price will rarely reach to that of the 4th Description.

The above rents and Prices being Matter of Public Notoriety, and within the knowledge of every resident in the Colony, I am induced to fear that a rise of the Quit rents to One Shilling per Acre would by no Means answer the Intentions of Government to raise a Revenue from the Crown Lands, intended to be granted, as it will appear to Your Excellency, from the Statements I have submitted, that the proposed quit rents would on the Rent of Lands of

Incidence of
proposed new
quit rents.

The 1st and 2d Description be equal to $2\frac{1}{2}$ to 7 Per Cent.

On Lands of the 3d 15 Per Cent.

On Do. of the 4th, it would be equal to the whole rent; And on the 5th, it would double it. The Charge on Lands of the 1st and 2d Quality would be considerably more, was the Interest of the Capital, expended in Clearing and putting them in a state of Cultivation, added thereto, and which cannot be estimated at less than from £6 to £8 per Acre according to the thickness of the growing Timber.

Capital
expended on
first-class lands.

Having attentively and carefully considered this Subject in Obedience to Your Excellency's Directions, I am sorry to be obliged to deliver an Opinion which I am fearful will not meet either the expectations of His Majesty's Government or of Your Excellency; I am fully persuaded that should the Quit rent be raised One Shilling per Acre, few persons could be found that would take a Grant subject to such a rent, which in the present situation of the Colony is equal to the whole rent of an uncleared farm, and to $\frac{1}{10}$ of its freehold Value at Ten Years Purchase; I respectfully submit it to the superior knowledge of Your Excellency whether it might not have the effect of deterring Persons, who arrive from England as Settlers, from receiving the Lands their Capital or Recommendations might entitle them to expect.

Anticipated
adverse effects
of new quit
rents.

Whilst I respectfully hazard an Opinion that the Lands granted by the Crown would not bear an increase equal to the Amount directed in Earl Bathurst's Dispatch, I am sensible that an advance may be made on the present quit rent without

1814.
7 Oct.

Proposal for
a modified
increase of
quit rents.

Estimates
of revenue
from lands.

Dependence
of settlers on
government
purchases.

Proposed
diminution of
quit rents on
large grants.

Materially affecting the Value of the Lands; at the same time that a very considerable addition would be made to the Revenue of Government, and which would of course annually increase in proportion to the Number of New Grants given within the Year. The addition that I most respectfully would propose, though apparently small in itself, yet in the Aggregate the amount is Considerable. A Quit rent of Ten Shillings on every hundred Acres on all Lands to be granted in future, I am humbly of Opinion would be as much under every Circumstance, as the Proprietor could afford to Pay; at the same time (taking the Annual Number of Acres granted to be about 60,000) its Operation in the first year would produce a Sum, including the present quit rents, equal to $\frac{1}{15}$ of the whole circulating Medium of the Colony, and in five years, admitting the same Number of Acres to be Annually granted, it would be more than equal to $\frac{1}{25}$ of the whole expenditure of Government. It may also be proper to Observe that the quit rent of Ten Shillings per hundred Acres is an Increase of five hundred Per Cent. on the present quit rent.

I have been induced to take this View of the Subject from a Belief that it comes under the Observation of Your Excellency that the necessary Expenditure of Government, within the Colony for the support of the Troops and Convicts, forms by much the greatest part of the disposable Capital in the Country; And that, until the exertions of the Settlers and Merchants under the Protection of Government render the exports more equal to the Imports, the surplus produce of the Lands, being purchased by the Government, at present afford the Colonists the Chief means of procuring many of the Necessaries of Life; and that one Consequence of the proposed increase of the Quit rent to One Shilling per Acre would be an Annual decrease to a very considerable Amount of the Settlers' means of providing Necessaries for their families.

I would respectfully beg leave to suggest that, in all Grants above 500 Acres, there should be a gradual diminution of the Quit rent (whatever may be the Quantum) proportioned to the extent of the Grant; For this reason that the Holders of small Grants have a better chance of selecting a greater Quantity of Good and Productive Land than the Possessor of a large Grant, who must necessarily take a greater portion of bad land than commonly falls to the lot of Smaller Settlers, and is thereby better enabled to pay his Quit rent.

I cannot conclude these Observations without entreating Your Excellency to believe that they are offered with the utmost deference to your superior knowledge, And that I should not have presumed to have expressed an Opinion on the subject, had

I not been Authorised to do so. I most respectfully request, if it should appear that I have inadvertently committed any Error, either with respect to the Statements I have submitted, or the deductions I have drawn from them, you will be Pleased to Pardon it, and attribute it to an over anxious desire to fulfil the duty imposed on me by Your Excellency to the best of my Ability.

I beg leave to remain with the greatest respect &c.

J. OXLEY, Surveyor General.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 11.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 20th Septem'r, 1814.

I have the Honor to acknowledge the receipt of Mr. Secretary Campbell's Letter of the 15th Inst., transmitting me an Extract of a Dispatch* from the Right Honble. Earl Bathurst, which, having immediate reference to my personal duties, I am directed to make such a representation to Your Excellency on the Subject thereof, as the Circumstances of the Case And my experience may authorize me to do.

The duties of John Oxley as surveyor-general.

From a full Conviction that the Various widely extended and increasing duties of my situation cannot be efficiently executed to the Satisfaction of either the Governor or Public without adequate assistance, I am humbly induced to hope that upon further Consideration, and Your Excellency's representation, that the assistance of a Deputy will be continued to the Department, more especially as the Appointment is neither a new One nor attended with a greater expence than in the early establishment of the Colony.

Necessity for assistance.

It will be recollected by Your Excellency that the Deputy Surveyor of Norfolk Island, although Nominally on the Strength of that Establishment, was always on Duty at Head Quarters as an Assistant to the Surveyor General, and this at a Period when the Annual average Number of Grants did not exceed fifty, and then seldom exceeding in Quantity One hundred Acres; at present the Average Number exceeds One hundred and Seventy, and that Number from the increasing Population it is reasonable to presume will be considerably Augmented.

Assistance for former surveyors-general.

At the early period to which I allude, the Settlers Chiefly took their Lands in the immediate Neighbourhood of the Two Principal Towns, or on the Hawkesbury River, very few Cases occurring where the distance exceeded Six or Eight Miles from those places. At present, the Farms and Townships extend in a

1814.
7 Oct.

Duties increased
by extension
of settlements.

North Westerly and North direction (including Newcastle) from fifty to Eighty Miles, and to the West and South West from Thirty Six to forty five Miles, every Part of which, East of the Nepean River, is Settled, with the exception of such Lands as are totally unfit for any useful purpose and those Grazing Tracts reserved for the use of Government.

Employment
of deputy-
surveyor at
Port Dalrymple.

I respectfully beg leave to Observe that, when the establishment of Norfolk Island was transferred to Port Dalrymple, the Office of Deputy Surveyor was still Continued, tho' the duties were executed at Head Quarters, Your Excellency Considering that One Deputy Surveyor, stationed at Hobart Town, was competent to perform all the Duties required in the Settlements on Van Diemen's Land; Thus transferring the Services of the Deputy Surveyor to the Station that most required them without any additional expence to the Crown.

Necessity
for deputy-
surveyor at
headquarters.

From the Statement I have made, it might be deemed improper and presuming to enlarge further on this Subject, than to Observe that I respectfully trust the necessity of a Deputy Surveyor being allowed on this Establishment will be apparent to Your Excellency, as it is felt by myself.

Impossibility of
making marine
surveys.

With respect to any Marine Surveys being made by me in compliance with the Instructions of the Hydrographer to the Admiralty, Your Excellency is well acquainted that none such could be undertaken, excepting under your directions, and at such periods as you might consider least to interfere with my more immediate and proper duties. The Number of Grants, to be Measured and described with other Circumstances connected with my Situation, would effectually prevent me from carrying those Instructions into execution.

I have, &c.,

J. OXLEY, Surveyor General.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 12.]

COMMISSARY ALLAN'S RECEIPT FOR SPECIE.

Deputy Commissary Gen'l's Office, Sydney,
New South Wales, 7th Octr., 1814.

I HEREBY acknowledge to have received from His Excellency Major General Macquarie, Governor in Chief and Commander of the Forces in this Territory, the Sum of Twelve Thousand, Four Hundred, and Seventy One Pounds, Nine Shillings, and Eight Pence, Farthing, Sterling, being the Amount of 39,908½ Dollars, received by His Excellency, and re-coined in this Country, and delivered to me at the rate of Six Shillings and Three Pence* each, in Conformity with His Excellency's Pro-

Commissary's
receipt for the
issue of specie.

* Note 68.

clamation of date 1st July, 1813, and which Sum of £12,471 9s. 8½d. was received by me at the following respective periods,
Viz. :—

25th	Jany. 1814	One Box cont'g	3,000	at 6/3	£937 10 0
10	Feby.	Do. „	3,000	at 6/3	937 10 0
23	„	Do. „	3,000	at 6/3	937 10 0
24	„	Do. „	3,000	at 6/3	937 10 0
4	March	Two Boxes ..	6,000	at 6/3	1,875 0 0
10	„	One Box ..	3,000	at 6/3	937 10 0
16	„	Two Boxes ..	6,000	at 6/3	1,875 0 0
23	„	One Box ..	3,000	at 6/3	937 10 0
24	„	Do. „	3,000	at 6/3	937 10 0
15	April	Two Boxes ..	3,908½	at 6/3	1,221 9 8½
2	Augt.	One Box ..	3,000	at 6/3	937 10 0
Total			39,908½		£12,471 9 8½

1814.
7 Oct.
Commissary's
receipt for the
issue of specie.

At which times, I gave receipts for the separate Amounts, and Credited myself therewith at the time in my Cash Accounts with the Right Honorable the Lords Commissioners of His Majesty's Treasury, the whole of which separate receipts have been returned, and this general Acknowledgment is now granted by me for the said Sum of Twelve Thousand, Four hundred, and Seventy One Pounds, Nine Shillings, and Eight Pence, Farthing, Sterling.

D. ALLAN, D.C. Gen'l.

[Enclosure No. 13.]

BOND GIVEN BY LEONARD FOSBROOK, JOSEPH AND JAMES UNDERWOOD.
New South Wales.

Bond of
security for
Leonard
Fosbrook.

Know All Men by these Presents that We, Leonard Fosbrook, Esquire, Deputy Commissary at Hobart town in Van Diemen's Land, Joseph Underwood, and James Underwood, of Sydney, Merchants, are jointly and severally held and firmly bound unto David Allan, Esquire, Deputy Commissary General of this Territory, in the penal sum of Two thousand Pounds, of good and lawful Money to be paid to the said David Allan, Esquire, his Attorney, Successors, or Assigns, for which payment, well and truly to be made, We and each of us, jointly and Severally, bind ourselves, our Heirs, Executors, and Administrators, firmly by these Presents, Sealed with our respective Seals, Dated the eighth Day of October, in the year of Our Lord, One thousand, eight hundred and fourteen.

Whereas the above named Leonard Fosbrook is at this time under the Sentence of a Court Martial,* held on him in the months of February and March last in this Colony, on certain charges then before the said Court; And Whereas the said Leonard Fosbrook, by Reason of his very ill state of health, Hath applied to and Solicited His Excellency the Governor of this

* Note 69.

1814.
7 Oct.

Bond of
security for
Leonard
Fosbrook.

Colony for Permission to proceed to England in the Ship Seringapatam, now about to depart hence, and having produced a Certificate from Mr. William Redfern, one of the Assistant Surgeons on this Establishment, representing the dangerous State of the said Leonard Fosbrook's Health, and certifying his opinion that the said Leonard Fosbrook may probably derive great benefit from a Sea voyage; His Excellency hath been pleased to accede to the Request of the said Leonard Fosbrook, and to grant him permission to be absent from this Colony for one year from the time of the sailing of the said Ship from this Port to England, On the express Condition, Nevertheless, that he the said Leonard Fosbrook do and shall find two good and responsible Securities, with himself, to meet any Demands to the amount of One thousand Pounds, that may hereafter be made against him by this Government on the final auditing of his the said Leonard Fosbrook's Public Accounts, or on any other legal Grounds, which may arise on the part of this Government against him. And whereas the said Joseph Underwood and James Underwood have become Securities for the said Leonard Fosbrook with himself in the premises, Now the Condition of the above written obligation is such that, if they the said Leonard Fosbrook, Joseph Underwood or James Underwood, or either of them, or either of their Several Heirs, Executors, or Administrators, Do and shall, whenever called upon or required so to do, well and truly answer under, and pay to this Government all and whatsoever Sum of money shall appear to be due from the said Leonard Fosbrook on the final auditing of his Public Accounts, or any other legal Grounds, which may arise on the part of this Government against him, to the amount of one thousand Pounds Sterling, without Fraud or Delay, Then this obligation to be void and of no effect or else to remain in full force.

LEONARD FOSBROOK.

JOSEPH UNDERWOOD.

J. UNDERWOOD.

Sealed and Delivered (no Stamps being used in this Colony),
in presence of

GEO. JOHNSTON.

ISAAC NICHOLS.

Compared, Correct:—JNO. THOS. CAMPBELL, Secy.

[Enclosures Nos. 14, 15, 16, and 17.]

[*These were the accounts and returns numbered 1, 2, 3, and 4, in paragraph 39; copies of these papers will be found in a volume in series II.*]

[Enclosure No. 18.]

1814.
7 Oct.

[Copies of the returns of shipping inwards and outwards for the quarter ending 30th June, 1814, are not available.]

ESTIMATE of Duties collected by the Naval Officer from the 1st day of April to the 30th day of June, 1814. Return of duties collected by the naval officer.

Ship Catherine	£7	4	6
Brig Amelia	262	12	7½
.. Hibernia	422	4	4
Ship Eliza	315	19	3
Brig Morning Star	490	4	3
Ship Frederick	212	3	9
.. Argo	0	5	0
.. Britannia	0	5	0
.. Windham	0	5	0
Schooner Derwent	0	5	0
Brig James Hay	0	5	0
Entries of Colonial Vessels pr. Abstract	284	16	6
Sailings Do. Do.	6	7	0
Spirits to Individuals 22 Gallons @ 3s.	£3	6	0
Do. 311 „ 5s.	77	15	0
	81	1	0
Auction Duties from Mr. David Bevan	47	1	5

£2,130 19 7½
106 10 11½

Deduct Naval Officer's Commission of 5 per Cent.

Balance due Government £2,024 8 8

Naval Office, Sydney, New South Wales,
30th day of June, 1814. E.E.

JOHN PIPER, Naval Officer.

EXPLANATION of the within Estimates of Duties.

Detailed statement of duties collected.

Catherine—

To Entry	4	15	0
Wharfage on 27 packages 6d.	0	13	6
Ad. Val. on £36 @ 5 Per Cent.	1	16	0

7 4 6

Amelia—

To Entry & port clearance	2	15	0
wharfage on 964 Packages 6d.	24	2	0
Ad. Val. on £4,229 12s. 7½d.	211	9	7½
duty on 648 Galls. of wine 9d.	24	6	0

262 12 7½

Hibernia—

To Entry	3	10	0
wharfage on 964 Packs. 6d.	24	2	0
Ad. Val. on £5,828 7s. 4d.	291	8	4
duty on 688 Gallons of rum 3s.	103	4	0

422 4 4

1814.
7 Oct.
Detailed
statement of
duties collected.

EXPLANATION of Estimates of Duties—continued.

<i>Eliza</i> —					
To	Entry	3	10	0	
	wharfage on 710 Packs. 6d.	17	15	0	
	Ad. Val. on £5,414 5s.	270	14	3	
	duty on 648 Gallons of wine	24	0	0	
					315 19 3
<i>Morning Star</i> —					
To	Entry	3	10	0	
	wharfage on 1,357 Packs. 6d.	33	18	6	
	Ad. Val. on £8,793 5s.	439	13	3	
	Duty on 350 Gallons wine	13	2	6	
					490 4 3
<i>Frederick</i> —					
To	Entry	4	10	0	
	wharfage on 371 Packs. 6d.	9	5	6	
	duty on 1,350 Salted Seal Skins @ 1½d	8	8	9	
	Do. 336 Kangaroo Do. ½d	0	14	0	
	wharfage on the above	0	8	0	
	ad. val. on £2,783 15s.	139	3	9	
	duty on 1,325 Galls. wine	49	13	9	
					212 3 9

[Enclosures Nos. 19, 20, and 21.]

[These consisted of the account, report, and return, numbered 6, 7, and 8 in paragraph 39; copies of these papers will be found in a volume of the series to which they belong.]

[Enclosure No. 22.]

A RETURN of Marriages Births and Deaths from the 1st of Jany. to the 30th June, 1814. [Extracts.]

Quarter ending.	District.	Number of		
		Marriages.	Births.	Deaths.
31st March, 1814	Hawkesbury	6	16	14
30th June, 1814	„	9	13	12
31st March, 1814	Parramatta	8	12	8
30th June, 1814	„	20	12	4
Half year to 30th June	Hobart town	5	20	8
31st March, 1814	Sydney	10	46	35
30th June, 1814	„	9	31	34

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 12 of 1814,” per ship Seringapatam; acknowledged by Earl Bathurst, 2nd December, 1815.)

Government House, Sydney, New South Wales,

My Lord, 7th October, 1814.

I feel it Incumbent on Me to Apprise Your Lordship of an Innovation, Which has been lately Attempted here, in the Celebration of the Church Service by Mr. Marsden, the Principal Chaplain, and Some of the Assistant Chaplains; and I request that Your Lordship will Honor me with Instructions as to the Line of Conduct which I should pursue in regard to it.

Alteration of
established
church service
by Rev. S.
Marsden.

1814.
7 Oct.Use of
unauthorised
version of
psalms in
the churches.Prohibition
of use of
Dr. Goode's
version by
Macquarie.Tendency of
Rev. S.
Marsden's
opinions.Discouragement
of dissenters.

A few Months ago, Mr. Marsden either Imported (with other Books on his own Account) or received from A Missionary Society, a Number of Copies of Dr. Goode's Version of the Psalms, and without any previous Communication or Reference to Me on the Subject, He Caused them to be Sung for some Sundays in our Churches to the Exclusion of those Attached by Authority to the Bible and Book of Common Prayer.

It appearing to Me that this was a very Unwarrantable Violation of the Service of the Established Church, and one which would probably lead to Still further and greater Innovations on its sacred Ceremonies, I have deemed it my Duty to prohibit this Version, or any other than that attached to the Bible and Prayer Book of the Church of England, from being any longer Used, Until such time as Reference Could be made to the Supreme Authority of our Church, and the Commands of His Royal Highness the Prince Regent should be Communicated to Me.

My Apprehension of the Consequences, which Might Attend the Submitting to, or in any degree sanctioning, Changes of this kind, are not a little heightened by the Consideration that Mr. Marsden and some of the Assistant Chaplains are originally of low Rank, and not qualified by liberal Educations in the *Usual Way* for the Sacred Functions entrusted to them, and are also much tinctured with Methodistical and other Sectarian Principles, which dispose them to a hasty Adoption of new Systems, or at least of *New Forms*, to the Exclusion of the Old Establishment of the Church of England.

If these Principles Were Sanctioned by me (as they Would appear to be, were I not to repress them), they would give such Latitude to Dissent, that I am fully Convinced Various Sectaries would spring up in this Young and Unschooled Colony, Much to the Injury of that established Uniformity of Worship, which I Conceive to be of the Utmost Importance to the Peace and Harmony of the Colony to preserve Inviolable.

In Making this Communication to Your Lordship, I have taken the Liberty to express my own Sentiments with Freedom, and have now only to add that Your Lordship's Instructions shall be the Rule of my future Conduct on this Subject.

I do myself the Honor to transmit Your Lordship a Copy of a Letter, which I instructed My Secretary to address on this Occasion to Mr. Cowper, the resident Chaplain at Head Quarters, Whence Your Lordship will perceive the Motives whereby I have been actuated in the Course of this Business, and I trust the Measures adopted by me Will Meet Your Lordship's Approbation.

I have, &c.,

L. MACQUARIE.

1814.
7 Oct.

[Enclosure.]

SECRETARY CAMPBELL TO THE REVEREND WILLIAM COWPER.

Rev'd. Sir, Secretary's Office, Sydney, 22d August, 1814.

Use of
unauthorised
version of
psalms in
church.

I am directed by His Excellency the Governor to Inform You that in the Celebration of the Church Service Yesterday at St. Philips, Sydney, He was much Surprized to Observe that the regular and legally Established Version of the Psalms was omitted, and in their Stead others from a New Version by Doct'r Goode Were Sung.

Alterations in
church service
forbidden
without
previous
authorisation.

His Excellency, desirous alike from Duty and Inclination to preserve Uniformity and Consistency with the legally established Rites and Ceremonies of the Church of England, with which any unsanctioned Version of the Psalms Must Militate, Desires to be Informed by You in Writing by What Authority You have acted in thus Venturing to depart from the old established Ceremonies of the Church, and Unless in this Communication You shall be enabled to shew that this New Version of the Psalms by Dr. Goode is ordered to be Sung in Churches by the Supreme Head of that Church, It is His Excellency's Desire that You shall not in future Use it in the public Celebration of Divine Service, such Innovation being Neither justifiable by Necessity, nor by that Obedience to the religious Establishment of this Colony, which it is Alike His and Your Duty to uphold.

I have, &c.,

JNO. THOS. CAMPBELL, Sec.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 13 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, N. S. Wales,

My Lord,

7th October, 1814.

Diffidence in
making reports.

I feel Myself Called Upon at this time to address Your Lordship on two Subjects, which I should have Most Willingly Avoided, had not the Interests of the Crown and the future Increase and Prosperity of the present thriving Town of Parramatta been so deeply Involved in them, as to render Silence Criminal, and to demand my Waving the Point of Delicacy towards two of my Predecessors in this Government, whilst I state the Circumstances to Your Lordship.

When Governor Bligh Arrived here in the Year 1806 to relieve the late Governor King, A Mutual Interchange of very Important Favors* took place between them, and among other Grants of

* Note 78.

Land, which Gov'r King made to Gov'r Bligh, previous to his Assuming the Government, there Was one Consisting of 105 Acres,* situated Close to the Town of Parramatta, on the North Side of the River of that Name. This Grant is what I have now to make some Observations on. The Land was originally cleared of Timber, and for some Years Cultivated for Government Purpose at a very Considerable Expence to the Crown, and some small Portions of it were Afterwards Given on Leases to private Persons. The Grant to Governor Bligh was however so made out as to Embrace the reversionary Title to the Leased parts, in Consequence of Which He now possesses the Whole Tract of 105 Acres, but he never proceeded to make any Improvements on it, or even Occupied it by Stock or otherwise.

1814.
7 Oct.

Land grant
made by
Governor King
to Governor
Bligh at
Parramatta.

Without Questioning Gov'r King's Right to grant away Lands, which had been Cleared and Cultivated at the Expence of the Crown (Altho' His doing so is in direct Violation of the Standing Orders† of His Majesty's Ministers) I Can feel no Hesitation in pronouncing it a Very Unwarrantable and unjust Measure, and one which at this day prevents the Extension of the Town of Parramatta in the only Direction Suitable to it. The Chart, which I transmit Your Lordship, will better explain the local Advantages of this Ground than any Description I Can give, but what renders it of the Greatest Importance is that the River, which Skirts it, possesses the only Good Water in the Neighbourhood, the same River lower down in its Course thro' the Town, being Salt in Consequence of the Tide flowing up it.

Impropriety of
grant made
by King.

In addition to the Injury thus done to Parramatta by the Inhabitants being Excluded from the fresh Water, I have to bring to Your Lordship's further Consideration that this is the only Eligible Situation in the Neighbourhood for the Erecting a Factory for the Employment of the female Convicts in the Manufacture of Coarse Linen and Woollen Cloths, it Affording Cleared, level Ground for a Bleach Field, and fresh Water for the people and the Use of the Manufactory. The Constant Influx of female Convicts rendering a Factory on a much larger Scale than the present one Indispensible, I respectfully solicit Your Lordship to require Gov'r Bligh to surrender his Grant of this Ground to Government on a fair Compensation in Land, which May be made him in any part of the Colony not already disposed of.

Land required as
factory site.

Proposed
surrender of
Bligh's grant.

The Second Subject, Which I am now proceeding on, and to Which I solicit Your Lordship's Attention, is one, Wherein My own personal Comfort and that of My Family, Which is still more dear to me, in our Residence at Sydney, is involved. The late Govr. King, having required the Surrender of a small piece

1814.
7 Oct.

Lease granted to
John Palmer
near government
house.

of Ground* belonging to Mr. Commissary Palmer, situated in Sydney, in order to Convert it into a Government Lumber Yard Gave that Gentleman in Exchange for it a Lease of a Piece of Ground situated in the Government Domain on an Eminence overlooking the Government House, and only at a Distance of 160 paces from it. On this Land, Consisting of 3 Acres and 32 Rods, Mr. Palmer Erected two Wind Mills, one of Stone, and the other of Timber, and also a Bake-house and Offices. It is Scarcely less Surprizing that Mr. Palmer should have presumed to ask for Ground in Such a Situation and for such purposes, than that Govr. King should have Acceded to it; but such is the fact, Notwithstanding that the Government Domain was Originally marked out, and Assigned as such for all Succeeding Governors, by Governor Phillip,† who Also Obtained for it the Approval and Confirmation of His Majesty's then Secretary of State. Govr. King, being aware that he could not grant away, or Lease any part of the Land, which had been Cleared at the Expence of the Crown, for a greater Period than Five Years, was *on this Occasion* regulated by that Circumstance, but in the Lease for 5 Years, which he gave Mr. Palmer, He had Inserted "He has a Promise of the Lease being renewed at the End of every 5 Years Until the Term of Twenty one Years Expire," thus Endeavouring to Entail on his Successors a kind of Obligation to renew the Lease from time to time for that Term, which he felt his own Incompetency to Make good in the first Instance; but in this He was disappointed, for the Lease expired on 31st March, 1807, and was not renewed by Govr. Bligh. I have the Honor to transmit Your Lordship a Copy of the Lease in Question for Your Lordship's fuller Information.

Conditions of
the lease.

Notice to quit
served on agent
for Palmer's
creditors.

Considering the *promise* of Govr. King on this Occasion by no Means Obligatory on Me After a Lapse of nearly 8 Years, which Mr. Palmer or his Creditors have derived the Advantage of, beyond the Period to which they had any Legal Title to them, I have given Notice to Mr. Walker, the Agent of Mr. Palmer's Creditors, to whom the Lease and Buildings were some time since Assigned, to remove the Buildings and Yield Up the Ground to this Gov't on or before the 31st March next.

Compensation
offered for lease.

One of the Mills, being built of Stone, Cost a Considerable Sum of Money; in Consequence of which I notified to Mr. Walker that I would let him have any Situation in the Neighbourhood of Sydney, Not Already located, that he would Select for the Re-Erecting of the Mills on, and further that I should Make him a Grant (In Trust for Messrs. Fairlie & Co. of Calcutta, Whose Agent he is in this Concern) of Land on a reasonable Scale of Compensation for the Loss, which must Necessarily

Attend the removal of the Buildings. Mr. Walker does Not Consider himself Warranted in According to these Terms on the part of his Constituents, until he shall receive special Instructions to that Effect from them, and the Business thus remains unsettled.

1814.
7 Oct.

I beg to observe here that, Altho' I have required Mr. Walker to resign the Possession of the whole on the 31st of March next, It is my Intention to Insist only on the possession of that part which is not Occupied by, or immediately Necessary to the large Mill, and to Suspend the final Measure in respect to that Building, Until I shall be Honored With Your Lordship's Sentiments thereon. The Steps, I have Already taken, will be best drawn from the Accompanying Correspondence between My Secretary and Messrs. Walker and Palmer, which I now do Myself the Honor to transmit for Your Lordship's Inspection.

Macquarie's
intended action.

Your Lordship will be at no Loss in Appreciating the Nature and Degree of Annoyance that these Mills and Buildings, thus overlooking the Govt. House, must be to Me and My family, Who, instead of enjoying a Seclusion from the public Gaze, are thus perpetually exposed to it, Wherever We turn thro' the Domain; Even the Passage to the Govern't Garden, which would be a pleasant Place of Recreation to Mrs. Macquarie and Myself, lead thro' the Leased Ground and Close by the Mills, Whereby We are Nearly Excluded from that Satisfaction.

Inconvenience
of the mills
and buildings.

All these Circumstances will, I trust, excuse the Anxiety I feel to get rid of these Buildings, and Secure Your Lordship's Approbation of the Terms of Compensation proposed to the present Possessors.

Some of my Predecessors having frequently Alienated Lands, which had been Cleared, and Houses, which had been built at a very great Expence to this Government, in a manner, Which if not Absolutely Illegal, was at the least Very Unjust, I take the Liberty to Suggest to Your Lordship's superior Judgment the propriety of transmitting a peremptory Order to Me and My Successors on that Subject, prohibiting the further Alienations of Lands or Houses Under such Circumstances, Unless the Sanction of His Majesty's Secretary of State for the Colonies shall have been previously Solicited and Obtained.

Definite
instructions
required for
governors.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

[A copy of the chart of Governor Bligh's farm will be found in the volume of charts and plans.]

1814.
7 Oct.

Deed of lease to
John Palmer.

[Enclosure No. 2.]

DEED OF LEASE TO JOHN PALMER.

By His Excellency Philip Gidley King, Esquire, &c., &c.
I do hereby Acknowledge that the allotment of Ground, now in the Occupation of John Palmer, Esquire, situated in the Township of Sydney, on the West Side of Farm Cove, Containing Three Acres and thirty two rods, being a remuneration for a lot in the Town of Sydney (leased to Captain Joseph Foveaux and purchased by the said John Palmer, see Page 112 in register No. 1*) Converted into a Lumber yard for the use of Government, is to be considered as demised and let unto the said John Palmer for and during the term of Five Years from the day of the date hereof; and as he has erected some durable Buildings on the said Lease, he has a promise of the lease being renewed at the end of every Five years, until the term of Twenty One years expire, he paying, or Causing to be paid to the Crown, an Annual Quit rent of Two shillings and Sixpence for the aforesaid allotment of ground.

In Witness Whereof I have hereunto set my hand and Seal at Sydney in New South Wales, this Thirty first day of March, in the year of our Lord One thousand eight hundred and two.

PHILIP GIDLEY KING.

Registered in the Secretary's Office,

W. N. CHAPMAN, Secy.

Secretary's Office, Sydney, 6 Oct'r, 1814,

Compared with Register. Correct.

JNO. THOS. CAMPBELL, Secy.

Bearings $\left\{ \begin{array}{l} \text{S. } 23\frac{1}{2} \text{ W. } 10, 32 \\ \text{E. } 40 \text{ S. } 4 \\ \text{N. } 15\frac{1}{2} \text{ E. } 11, 60 \\ \text{E. } 23 \text{ N. } 2, 15 \end{array} \right\}$ See Register No. 3, folio 97.*

The above, being omitted when the lease was made out, is inserted by Command of His Excellency.

DAVID DICKINSON MANN, Clk.

[Enclosure No. 3.]

CORRESPONDENCE BETWEEN SECRETARY CAMPBELL AND WILLIAM WALKER.

[1] *Secretary Campbell and William Walker.*

Sir,

Secretary's Office, Sydney, 2d Nov'r, 1813.

His Excellency the Governor being informed that you have lately taken possession of the landed and other Property belonging to John Palmer, Esqre., in this Colony, on the part of Messrs. Fairley Ferguson & Co., of Calcutta, as Creditors of the said Mr. Palmer, I have it now in Command to inform you that

Land belonging
to creditors of
John Palmer.

* Note 83.

the Lease, granted by the late Governor King to Mr. Palmer, consisting of three Acres and thirty two Rods, situated within the Boundaries of the Government Domain (as laid out by Governor Phillip and approved and confirmed by His Majesty's Ministers), in the Town of Sydney, expired on the 31st March, 1807, being given for five years, which is the utmost period any Governor could give a Lease for of Lands situated within the approved Boundaries of the Government Domain.

1814.
7 Oct.

Conditions
of lease to
John Palmer.

The Circumstance of the Expiration of this Lease, as also of its being necessarily limited to the Term of Five Years, did not come to His Excellency's knowledge until very lately, which will account for His not having Claimed and taken Possession of the property long before the present time on the part of the Crown.

His Excellency is pleased, however, to say that in Consideration of the very expensive buildings, erected by Mr. Palmer on the Ground in question, probably under the expectation that His Lease would be renewed to him, and from the further Consideration that no regular warning had been given to Mr. Palmer, or his Agent, hitherto, to evacuate the said Premises and surrender them to the Government, He is unwilling to avail Himself *immediately* of the Exercise of his legal and Customary privilege by requiring the prompt Surrender of the Ground as the Lease has long since expired.

Time to be
allowed for
surrender
of lease.

With the view, therefore, to the affording a Sufficient time to Mr. Palmer, or his creditors, to remove the Materials of the expensive Buildings erected by him on this Lease, or to dispose of them otherwise (which His Excellency is willing on the Part of Government to Permit, altho' they have become absolutely the property of the Crown by the expiration of the Lease), The Governor will forbear to take possession of the Ground &c. until the 31st of March, 1815. I have it in Command therefore to inform you officially that, on the said 31st March, 1815, it is His Excellency's intention to resume the possession on the Part of the Crown, and you are to consider the present as a legal Notice to that effect, and to be prepared on that Day to resign the said Ground to Government, it being required for the very necessary purpose of enabling His Excellency to enclose the whole Domain exclusively within a Stone Wall.

Date fixed
for surrender
of lease.

If Mr. Palmer, or his Creditors, should be desirous of procuring an Allotment of Ground from Government to remove the Materials of the Windmills to, in order to re-erect them on, His Excellency will have no objection to the assigning him or them an eligible allotment for that purpose in the vicinity of Sydney, and of equal extent to that whereon they are now placed within the Government Domain.

Compensation
in land offered.

1814.
7 Oct.

Proposal for
purchase of
bake-house.

His Excellency Considering that the Bake-house erected on these Premises by Mr. Palmer might be converted into a Serviceable portion of those Offices, which it is His intention to build shortly close by the place where it stands, desires to inform you that He will purchase the same for the Crown at a fair and regular valuation, to be made by a Competent Committee of Survey, provided you render the possession to Him within the Space of two months from the present Date.

I have to request that you will let me have an early Answer to this letter, and that you will Particularly signify your Compliance, or the reverse, with the Governor's proposition with regard to the purchase of the Bakehouse.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

[2] *William Walker to Secretary Campbell.*

Sir,

Sydney, 3d November, 1813.

I beg leave to acknowledge the receipt of your letter of yesterday's date, stating it to be the intention of His Excellency the Governor to take possession of that spot of Ground behind Government House, now under Lease from the late Governor King to John Palmer, Esqre., and upon which Mr. Palmer has erected several expensive buildings.

Disability of
William Walker
to accept
proposed
conditions.

Though these buildings are now under an Assignment to Messrs. Fairlie & Co., of Calcutta (for whom I am acting as Agent here), by a regular Mortgage Deed, yet as there is a clause of redemption in that instrument for the period of Seven years, provided the interests on the Principal Sum of the Debt, which it was granted to secure, was paid, and that Proviso having been attended to by Mr. Palmer's Agent, I do not feel that I would be justified in returning any Specific answer to your letter, or at all entering into the merits of the question regarding the validity of Mr. Palmer's Lease, until I have Communicated with that Gentleman's Agent on the Subject. I shall make a point of immediately doing so, and either he or I will do ourselves the pleasure of waiting on you with a final Answer on an early Day; meantime I have the honor to be &c.

WILLM. WALKER.

[3] *William Walker to Secretary Campbell.*

Sir,

Sydney, 26th November, 1813.

Agreeable to my Promise, contained in my respects of the 3d instant, I now beg leave to acquaint you for the information of His Excellency the Governor, that I have communicated with Mr. Palmer j'r, as agent for his father, on the Subject of your letter of the 2d instant.

That Gentleman informs me the Power of Attorney, he holds from his father, is not sufficient to enable him to dispose of any real property, so that as the matter stands at present it appears there is no Person in the Colony that can legally do so; but as there is every reason to expect either that Mr. Palmer himself or sufficient powers will arrive by the next Ships from England. It would be very desirable, and certainly felt as a matter of much favor, that His Excellency would agree to suspend any proceedings with regard to the Offices, which He means to convert the Bake-house &c. into, for the space of a few months, by which time it is presumed Mr. Palmer or his Agent will be ready to give a legal Sanction to His Excellency's wishes on that head.

1814.
7 Oct.

Inadequacy of
Palmer's power
of attorney.

With regard to the Windmills as I have not yet been able to get the original Lease, so as to take legal advice on the subject, I can only say, that though I must hope, for the present, we may be enabled to retain them for the whole period of the 21 Years. Yet, as His Excellency seems decidedly of opinion that He might take Possession of them at any time he thought proper, I must beg to return my best acknowledgements on the part of the Parties interested to His Excellency for so kindly extending that time for the Period he has mentioned.

The problem of
the windmills.

I have, &c.,

WILLM. WALKER.

[4] *Secretary Campbell to William Walker.*

Sir, Secretary's Office, Sydney, 27th Novr., 1813.

I have submitted your letter of yesterday's Date, on the subject of the Windmills and Bakehouse situated within the Government Domain, to His Excellency the Governor.

From the circumstances stated by you, His Excellency is pleased to say that He shall postpone for some time any further proceedings respecting those buildings in the hope that a Competent Authority may arrive, agreeably to your expectations, for the final disposal of these concerns. His Excellency, however, desires it to be understood that, at the time already mentioned in my letter to you of the 2d Inst., He will resume on the Part of Government the Lands now occupied by these buildings with whatever Buildings may be then on them.

Time for
consideration
to be granted.

Lease to be
surrendered on
fixed date.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

[5] *Secretary Campbell to William Walker.*

Sir, Secretary's Office, Sydney, 16th Sept., 1814.

Referring you to my former letters of the 2d & 27 Novr. 1813, and yours of the 3d & 26th Novr. 1813, on the Subject of the Windmills, Bakery & other buildings, erected by Mr. Palmer

1814.
7 Oct.

Correspondence
with
John Palmer.

Assignment
of lease by
Palmer.

Lease to be
surrendered
and buildings
removed.

Bake-house not
required by
government.

Present owners
of the lease.

Walker to take
legal advice.

within the boundaries of the Government Domain, and also of the Lease of the Ground on which said buildings stand, I have it in Command to transmit you the accompanying copy of a Letter, which I addressed to Mr. Palmer on the 24th of June last, and also of Mr. Palmer's answer to it, dated 4th July, 1814, on the same Subject.

From the foregoing Letter of Mr. Palmer, it appears that the property of the Land and Houses, herein referred to, has been transferred to Messrs. Fairlie & Co., and that you, as Agent to those Gentlemen, have been put in possession of them by Mr. Palmer, since his return from England.

As the difficulty, which you expressed yourself under in your letter of the 26th Novr. in regard to taking upon you to surrender the Premises and Buildings herein alluded to to Government, are now obviated by your being put into full possession of them, I am instructed to inform you that His Excellency the Governor hereby directs, and He expects, that you will on or before the 31st of March next ensuing (the time mentioned in my letter of the 2d Novr.) remove all the Materials of the said Windmills, Bake-House, &c. and surrender to Government the Ground occupied by them, and formerly leased to Mr. Palmer. As you did not accede to His Excellency's proposal for the Bake-house and contiguous buildings, I have now only to add that the possession of them is no longer an object with His Excellency, and you are required to remove the Materials of them also.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

[6] *William Walker to Secretary Campbell.*

Sir,

Sydney, 20th Sept., 1814.

I beg leave to acknowledge receipt of your letter of the 16th Inst. with two enclosures relative to the Windmills &c., about which we have already had some correspondence.

These buildings, together with the lease, as Mr. Palmer has informed you, are now the property of Messrs. Fairlie, Ferguson & Co. of Calcutta, having been regularly delivered up to me as their Agent some time since, and for which those Gentlemen have given a very valuable Consideration.

However anxious I may be to accede to His Excellency's wishes in everything, where I am only personally interested, yet in this instance, as a mere Agent, I consider it my Duty to take the advice of such Professional Men as the Colony affords, as well as that of private Friends, with regard to the validity of the Lease granted by Governor King (a correct Copy of which I enclose for your Perusal) and how far I should be justified in resigning so valuable a Property to Government without any Compensation.

The result of my enquiries has been such that I should consider myself highly blameable and neglectful of the interest of my employers, were I to do so without bringing the matter regularly before the Civil Court, whose decision, if given against me, will of course satisfy them that I have done everything in my power to preserve the Property for their benefit.

1814.
7 Oct.

Validity of lease
to be tested in
the civil court.

In order however to convince His Excellency that there can be no wish on my Part to interfere with his views or wishes, I shall be ready at any time appointed by him (31st March next), or sooner if required, to resign the Lease and Buildings to Government on being paid for Same in Sterling Money at a fair valuation by persons properly qualified to estimate them.

Proposal for
conditional
surrender
of lease.

I cannot refrain from seizing the present opportunity to detail a few particulars regarding the Lease in question, craving His Excellency's patience to Peruse the same, being hopeful when the matter has been properly and correctly laid before Him, that He may feel disposed to wave any further proceedings in the matter, and allow the buildings to remain for the remainder of the time mentioned in the Lease.

In the first place, as the Lease itself expresses, this Allotment of Ground was granted to Mr. Palmer for a Certain term of years in consequence, not only of his having erected very expensive buildings on it (which buildings in the then infant State of the Colony were, as His Excellency must be well aware, of the most essential benefit to it, and could not have been undertaken on so large a Scale by another Individual in the Country), but as a remuneration for another Lot given to Government, and now converted into a Lumber yard.

Reasons for
granting of
lease.

In the second place, Mr. Palmer, being fearful that his large Mill might be too near Government House, spoke to Governor King on the subject, and proposed to Him to grant a piece of Ground somewhere near the Spot* where the Military Hospital is now erecting, that so expensive a building, as he purposed to erect, might be secure from any interference on the part of Government or others; but Governor King informed him that he must build it on or near the Spot where it now Stands, and no where else; as it was his intention to remove the Government House to the other side of the Town, and that the Domain would take in the hill, which Mr. Palmer was so anxious to obtain, and consequently would interfere with his then Excellency's plans.

Governor King
consulted *re*
erection of mill.

In the third place, It is a matter of notoriety that Mr. Palmer and Mr. Campbell, as private Individuals, have been more benefit to the Colony from the improvements they have made, the number of Men they Kept in Constant Employ, and the consequent large Sums of money which they circulated in it, than

Services of
Palmer and
Campbell to
the colony.

* Note 84.

1814.
7 Oct.

Money expended
by Palmer the
property of
merchants in
India.

any other private Individuals who have been resident in it; and when His Excellency considers that the money thus expended was, as it now appears to be, the real and bonafide property of those Gentlemen in India and London, who have now entered into possession of the property in question, I cannot but think that his Excellency will feel disposed to shew them every indulgence in his Power, and either allow the buildings to remain until the expiration of the Lease, or make them a very ample remuneration in the event of his insisting upon their being removed, so as in some measure to make up for the very heavy loss, which they must Suffer in Consequence of so large a portion of their property being expended in buildings and other improvements in this Colony.

I trust that His Excellency will be disposed to view this matter in as favorable a light as possible, and as I shall write very fully on the Subject with a Copy of the Lease, to my Constituents in London (who are equally interested in the matter with the house in Calcutta) by the Seringapatam, I should feel much satisfaction if His Excellency would agree to delay doing anything further in the business, until an answer can arrive to that letter.

I have, &c.,

WILLM. WALKER.

[7] *Secretary Campbell to William Walker.*

Sir, Secretary's Office, Sydney, 26th Sept., 1814.

Assertion
of the rights
of the crown.

Having Submitted your letter of the 20th inst. (in reply to mine of the 16th inst.) to His Excellency the Governor, I have it now in Command to inform you that the Lease of the Premises, on which the two Windmills and Bakehouse were erected by Mr. Palmer within the Government Domain, has long since expired, and that the right on the part of the Crown to resume those Premises is absolute and uncontroulable. This being the Case, I am now finally to inform you that it is His Excellency's determination to take possession of these Premises on the 31st of March next, they being absolutely required for Government purposes. In the meantime, His Excellency recommends it to you to take advantage of the present interval by removing the materials of the buildings off the Ground for the benefit of those Gentlemen, whose Agent you are in these affairs. This removal of the Materials is the more earnestly recommended to you from the circumstance of their not being required on the part of Government, and of course will not be purchased by His Excellency on any terms whatever.

Lease to be
surrendered on
fixed date.

It cannot have escaped your own observation that these Buildings, situated as they are within the Government Domains and

close to the Government House which they overlook, constitute a very great nuisance and Annoyance to His Excellency's Personal Comfort; and hence you will no doubt see the propriety of their being removed; and also fully account for His Excellency's determination that they shall not remain there.

1814.
7 Oct.

Macquarie's
objections to
the buildings.

A bare inspection of the Lease, originally given of the Premises by Governor King, must put beyond a Doubt that it has long Since expired, it having been given on the 31st of March, 1802, for the Term of *Five years* only. The expression of a promise from Governor King that this Lease should be renewed from time to time for the term of 21 Years, clearly evinced that He was sensible He had it not in His Power to grant this Lease for a longer period than the five years expressed therein, the orders* of H.M. Ministers in regard to the Leasing of any Lands, either in the immediate possession of Government, or which had been cleared by it, being express and absolute on that head. It is therefore Scarcely necessary to add that what Governor King could legally do in his own Person whilst Governor, he could not possibly entail as a Duty on His Successors in that Office. Thus far the Governor has been anxious to Convince you that His determination to resume the Ground has arisen out of His incontrovertible right to do so, which he is the more disposed to assert on this occasion in order to get rid of a nuisance extremely offensive in every respect to the Privacy and comfort of the Government house and Domains.

Expiration
of lease.

Invalidity of
King's promised
extension of
lease.

If you should however deem it advisable to take Law opinions here, or to write to your Constituents on this Subject, His Excellency can have no objection thereto, but you are to understand that he will neither relinquish the Rights of the Crown, or refer them on an occasion so clear as the present, to the decision of any Court whatever.

Macquarie's
refusal to
refer to the
law courts.

Adverting to your observation in regard to Mr. Palmer and Mr. Robert Campbell, Senr., His Excellency cannot at all admit that they have any particular merit for the extent of their expenditures in this Colony, or any claim whatever on Government on that Account, those expenditures having been entirely confined to the erecting of Buildings for their own immediate use or Emolument, and not in any degree calculated to encrease the internal resources or prosperity of the Country.

No consideration
to be given
for services
of Palmer and
Campbell.

It now only remains for me to repeat to you that in consideration of the weighty expence attending the Construction of the Buildings in question, His Excellency will be happy to grant an equal extent of Ground, to that on which they now Stand, in any unappropriated Situation in the neighbourhood of Sydney,

Compensation
in land offered
by Macquarie.

1814.
7 Oct.

Land grant
offered to
Fairlie,
Ferguson & Co.

for the re-erection of those Mills, if that measure should appear adviseable to you; And in order to the reducing still further the loss your Constituents Messrs. Fairlie, Ferguson & Co. will necessarily sustain by the destruction of the present Buildings, His Excellency will have no objection to the making those Gentlemen a handsome Grant of Land in the interior.

Whilst the Governor is thus disposed to render the loss as light as possible to these Gentlemen, it is to be understood that such remuneration as now proposed is a voluntary one, and not at all resulting from any legal claim which they could advance.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE
ADMIRALTY.

(Despatch per ship Seringapatam; acknowledged by Secretary Barrow, 24th February, 1815.)

Government House, Sydney, New South Wales,

My Lords,

7th October, 1814.

I have the Honor to Inform Your Lordships that, on the 1st of July last, the Ship Seringapatam, formerly a South Sea Whaler, belonging to London, Burthen about 370 Tons, was brought into this port by fourteen British Seamen, who reported that she, with several other Ships on their Voyage to the Fisheries, had been captured by the American Frigate, Essex, about the 13th of July, 1813, and in September in that Year Carried by her into one of the Groupe of Islands in the South Pacific Ocean, Called the Marquesas.

These Seamen State that they had been cruelly treated by their Captors, being obliged to Work at the Erection of a Fort, and exposed to several other Indignities, which as Prisoners of War they should have been Exempted from; and that in Consequence they resolved on Effecting their Escape, Whenever a Suitable Opportunity should Occur. Such an Opportunity at length offering itself, whilst the Essex was out on a Cruise, they boldly Embraced it, and on the 6th of May were fortunate enough to recapture the Seringapatam without Loss of Blood or any personal Injury on either Side, and thence proceeded with her to this Port, where on their Arrival they Claimed and received the Protection of the Government as British Seamen.

Considering our Court of Vice Admiralty best qualified to act under the Circumstances of the Case, I referred the recaptors to it, but, as it has not Jurisdiction as a Prize Court, the Judge

Arrival
of the ship
Seringapatam.

Capture of the
Seringapatam
by the Essex.

Treatment of
prisoners of
war by the
Americans.

Recapture of the
Seringapatam.

Reference to
vice-admiralty
court.

only received the Memorial of Mr. Joseph Underwood, Agent for the Recaptors, which was subscribed and deposed to by them, Severally, as true and Correct, and dismissed the Business, recommending that the Ship should be permitted to proceed to England for Adjudication with such Certificates and Protection, as I could extend in my Character as Vice Admiral and Governor of this Territory.

1814.
7 Oct.

Recommendation of Judge in vice-admiralty.

Under this Recommendation, I have accordingly given orders for the Seringapatam to proceed Immediately to England, and at the Solicitation of the Crew (none of whom felt Equal to Undertaking the Command of her), I have appointed Mr. Eber Bunker to that Situation. Mr. Bunker, in the Year 1791, Commanded the Convict Transport, William and Anne, from England to this Country, and has for some Years resided here, Maintaining a most respectable Character, and is well qualified as a Master Mariner, which Circumstances determined Me on giving him the present Command.

Seringapatam to sail for England in charge of Eber Bunker.

Mr. Bent, the Judge of our Instance Court of Vice Admiralty, having given his opinion that there could be no legal objection to the Seringapatam taking Goods on Freight from hence to England, I have Sanctioned that Measure, and Capt. Bunker has accordingly procured some Freight and a Number of Passengers.

Freight and passengers to be carried.

No Specific Wages are promised to Capt. Bunker, who is perfectly satisfied to refer his Claims on that Account to Your Lordships' Liberality, or that of the Court to which you may be pleased to refer the Matter.

Wages for Eber Bunker.

The Recaptors, having no Means of Subsistence here but such as arose from the supposed Claims that they may have to a Salvage, have had Clothing and other Necessaries supplied them by Mr. Joseph Underwood, a Merchant of this Place, who providentially fell in with them at Sea on his passage hither from China, and humanely furnished them with such Articles as they stood in need of, and also remained by them, until they finally made the Port, which they might probably have been otherwise much at a Loss to Effect.

Recaptors supplied with necessaries by Underwood.

The Fourteen Seamen, who Effected the Re-Capture, belonged to the Crews of different Ships Unfortunately in the same Predicament as the Seringapatam, one only of them having sailed from England in her. Since their arrival here, they have Conducted themselves with great Propriety, and, under all the Circumstances of this Singular Business, I have Reason to believe they Acted with great Moderation and Humanity. I have therefore much Pleasure in recommending their Case to Your Lordships' humane and liberal Consideration.

Macquarie's recommendation of seamen.

1814.
7 Oct.

Papers
transmitted.

I have the Honor to transmit Your Lordships, herewith, an Official Copy of the Memorial Presented by the Agent of the Recaptors to the Court of Vice Admiralty, and also of the License I have furnished to Captain Bunker to serve as a Register for the Voyage Home. I have, &c.,

L. MACQUARIE,

Governor in Chief of N. S. Wales.

[Enclosure No. 1.]

THE PETITION OF JOSEPH UNDERWOOD.

His Majesty's Territory of New South Wales.

To Ellis Bent, Esq., Judge of the Vice Admiralty Court of this Territory.

THE Petition of Joseph Underwood of Sydney, Merchant, Agent for and on behalf of the several persons whose Names are hereunder Inserted, being Mariners lately arrived in this Port from the Marquesas Islands in the Ship Seringapatam, after having recaptured the said Ship there.

Humbly Sheweth,

That the said Ship Seringapatam, South Sea Whaler of London, Commanded by Captn. Stivers, was Captured off the Gallipagos Islands on or about the 13th of July, 1813, by the Essex, American Frigate, David Porter, Comm'r.

That the Master of the Said Ship Seringapatam was taken on board the said Frigate, and shortly afterwards sent a Prisoner to America on board the Georgiana, an English Ship, which had also been captured by the Essex Frigate.

That the other officers of the said Ship Seringapatam and several of her Crew, after her Capture, were sent on board the Charlton (another English Ship which had been Captured by the Essex Frigate) to Rio de Janeiro, as a Cartel Ship, which the Commander of the Essex had given up to the Master, Namely, Captn. Halcrow, after having discharged the oil on board her and all the other property, leaving on board the said Ship Provisions barely sufficient to take them to Rio.

That Your Petitioners were sent on board different Vessels, which had also been unfortunately Captured by the Essex, and, in Company with that Frigate, proceeded Prisoners to the Marquesas Islands, where they arrived on or about the 13th day of September, 1813, the said ship Seringapatam being amongst the Number of Vessels so taken to the Marquesas Islands.

That your Petitioners Endured great Hardships and Sufferings during their Confinement at a Fort, Erected at the Marquesas Islands by the Americans.

Petition of
Joseph
Underwood as
agent of the
recaptors of the
Seringapatam.

1814.
7 Oct.Petition of
Joseph
Underwood as
agent of the
recaptors of the
Seringapatam.

That your Petitioners occasionally Consulted together on the Means of Effecting their Deliverance from the miserable State of Captivity to which the Chance of War had consigned them, and one and all determined to avail themselves of the first Opportunity that offered to accomplish their purpose.

That, on the 6th day of May last, in pursuance of that Resolution, Your Petitioners being all on board the said Ship Seringapatam (and which Ship, having been Used as a Store Ship at the said Fort, had on board her Considerable property and Stores which had been removed from the other Captured Ships there, and was on that Account an Object of greater Importance to your Petitioners to Seize) Did, on a Signal Agreed on amongst Your Petitioners, Suddenly Seize the said Ship, Secure three Prize Masters then on board, and having possessed themselves of a quantity of Arms and Ammunition from the Ship, Greenwich (another Captured Ship then in the said Fort), and having also spiked the Guns at the Fort, which they effected with great Difficulty and Danger, Your Petitioners made Sail in the said Ship Seringapatam in the Night of the said 6th of May, and proceeded to Sea bound to this Port.

That Petitioners put the Prize Masters into a Boat (giving them some Provisions and also Arms and ammunition to protect them) at as short a distance from the Fort as they judged advisable.

That Petitioners Navigated the said Ship Seringapatam, which they had so retaken in an Enemy's Port, and, having touched at Otaheite, arrived safe in this Port on the first day of July last.

That Petitioners, having thus at the Hazard of their Lives effected the Recapture of the said Ship Seringapatam with a Valuable Cargo on board, and brought her into this Port, Humbly pray to submit their Claim for Salvage to the Consideration and Justice of this Honorable Court, presuming that the Maritime Law of England, which adopts the most liberal rule of restitution on Salvage with respect to the recaptured property of its own Subjects, will Decree and Adjudge Your Petitioners such Rate of Salvage as the Importance of the Object and the Value of the Ship and Cargo may equitably afford; this Court taking it also into due Consideration that the said Ship Seringapatam was and had been actually converted by the Americans, after her Capture, into an Armed Vessel with 22 Guns, and had accompanied the Essex Frigate on a Cruize, which Circumstance, as well as the Capture of the Seringapatam, Petitioners will be able to prove, and trust that such facts will weigh with the Court in their Adjudication and Decree of the Rate of Salvage due to

1814.
7 Oct.

Petition of
Joseph
Underwood as
agent of the
recaptors of the
Seringapatam.

Your Petitioners, as the Recaptors of the said Ship Seringapatam; and Petitioners humbly hope that this Court will Interpose its Authority, so far as to decree Petitioners the Salvage they are entitled to, and Direct the same to be rendered and paid to them in this Colony forthwith, without Exposing or Subjecting their Claims to the Risque of the said Ship Seringapatam leaving this Port and proceeding on her passage to England, Considering that Your Petitioners have safely brought the said Ship into this Port, and that they are therefore Entitled to their Salvage without further Risque or Delay.

May it therefore Please this Honorable Court to take All the Circumstances of Petitioners' Case into Mature Consideration, and to grant Petitioners such Salvage as by the Maritime Law of England, and by the practice of the Courts of Vice Admiralty there in Similar Cases, has been held fit and reasonable. And that this Honorable Court will Issue a Warrant to its Marshal to Arrest the said Ship Seringapatam, or take such other Means and Measures, as in its Wisdom shall be deemed expedient, with a View to the granting and rendering Petitioners the Restitution required, and to which they are entitled for Salvage. And that your Petitioners be allowed to file such Libel or other papers in Support of their Claim, as the Court may be pleased to require and direct on the return of the said Warrant being duly made by the Marshal.

And Petitioners will ever pray, &c.,

JOSEPH UNDERWOOD,

Agent for and on behalf of,

THOMAS BELCHER.	RICHARD POWER.
JAMES MORRISON.	JAMES DUNCAN.
ROBERT LAMBRESS.	WILLIAM CLARKE.
SAMUEL SEWELL.	WILLIAM STYLES.
ROBERT WHITE.	ROBERT GEORGE.
JEREMIAH WORKMAN.	JAMES BANTUM.
MARTIN STANLEY.	LEWIS RANSOM.

Mariners who recaptured the Ship Seringapatam.
Sydney, 2d August, 1814.

Attestation of
petition by
the recaptors.

ATTESTATION BY THE RECAPTORS.

OATH.—Thomas Belcher, James Morrison, James Duncan, Robert Lambress, William Clarke, Samuel Sewell, William Styles, Robert Whyte, Robert George, Jeremiah Workman, James Bantum, Martin Stanley, Lewis Ransom and Richard Power Mariners named in the Annexed Petition are true and Correct in Substance and Matter of fact, so far as the same applies or

apply to each of them respectively, and to the best of the Knowledge and Belief of these Deponents generally.

THOMAS BELCHER.

RICHARD POWER.

JAMES DUNCAN.

JAMES MORRISON, his mark x

SAM'L SEWELL.

ROBERT LAMBRESS.

ROBT. GEORGE.

WILLM. CLARKE.

JAMES BANTUM, his mark x

WM. STYLES.

MARTIN STANLEY, his mark x

ROBT. WHITE, his mark x

LEWIS RANSOM, his mark x

JEREMIAH WORKMAN, his mark x

Sworn in Court, 5th August, 1814, Before me: ELLIS BENT, Judge.

True Copy:—JNO. THOS. CAMPBELL, Registrar of the Court of Vice Admiralty, New South Wales.

[Enclosure No. 2.]

LICENCE AS REGISTRATION FOR THE SHIP SERINGAPATAM.

His Majesty's Territory of New South Wales.

By His Excellency Lachlan Macquarie, Esquire, etc., etc.

WHEREAS the Ship Seringapatam of London, South Sea Whaler, which had been captured by the American Frigate, Essex, off the Gallipagos Islands in the month of July, 1813, and taken to the Marquesas Islands, Was on the Sixth day of May, 1814, recaptured at that place, and taken possession of by fourteen British Mariners, and brought into this Port on the first day of July last, and is now proceeding to England under my Sanction and Authority, to abide such Decision as the Lords Commissioners of the Admiralty, or other persons interested and concerned, may judge and deem expedient in the Premises. AND WHEREAS the original register of the said ship Seringapatam hath either been taken possession of by the Captors of the said Ship or is otherwise lost or not forthcoming, as appears by the Affidavit of Eber Bunker, Master of the said Ship, and confirmed by the Affidavit of two of the Mariners, who recaptured her. And it being expedient that some Document should be substituted in stead thereof, in order to be put on board the said Ship Seringapatam on her homeward bound passage to England, and John Piper, Esquire, Naval Officer of this Port, and Mr. William Cosar, Master Builder of this Territory, Having certified to me that the said Ship Seringapatam (whereof Eber Bunker is at present Master) was built at Bombay, has . . . * Deck and three Masts that her length from the fore part of the Main Stern to the after Part of the Stern Post aloft is one hundred and five feet, her Breadth at the broadest part, whether above or below the Main Wales, is twenty eight feet, that the Depth of her Hold is twenty feet, and admeasures three hundred and seventy one Tons, is Carver built, and has a Gallery and Figure Head.

1814.
7 Oct.

Attestation of
petition by
the recaptors.

License as
registration
for ship
Seringapatam.

1814.
7 Oct.

License as
registration
for ship
Serengapatam.

I, the said Lachlan Macquarie, Esquire, Captain General Governor and Vice Admiral as aforesaid, Do substitute these Presents as an Official Certificate of the same, and do Direct and desire that the same shall stand, and be deemed and considered according to its Tenor and Effect, to all necessary Intents and purposes, until the said Ship Serengapatam shall arrive in the Port of London to receive and abide such further orders and directions as the Lords Commissioners of the Admiralty shall think fit to make in regard to the said Ship, and all Parties and Persons Interested or Concerned; Of which all Persons are required to take notice and be Governed accordingly.

Given under My Hand and Official Seal at Government House, Sydney, in New South Wales aforesaid, the 4th Day of October, one thousand eight hundred and fourteen.

L. MACQUARIE.

Registered in the Secretary's Office:—JNO. THOS. CAMPBELL, Secy.
Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 14 of 1814," per ship Serengapatam; acknowledged by Earl Bathurst, 17th August, 1815.)

Government House, Sydney, New South Wales,

8 Oct.

My Lord,

8th October, 1814.

The trial of
Suttar and
Hoolaghan
for murder.

I do myself the honor to transmit Your Lordship herewith An Attested Copy of the Proceedings of a Court of Criminal Jurisdiction, lately assembled here, on the trial of Michael Hoolaghan and Alexander Suttar on an Indictment for Murder.

Conviction
and sentence.

The Evidence adduced on this Occasion appearing to the Court perfectly clear and conclusive of their Guilt, the Prisoners were found Guilty and Sentenced to be hanged.

Suspension
of sentence.

Notwithstanding this Sentence, the impression was so strong on the Public Mind that they were not the Murderers, that I yielded so far to the earnest Solicitations made to me in their behalf by some Persons of respectability, as to defer the execution of the Sentence from time to time, in the hope that some Circumstances would come to light to Settle every doubt on the Subject.

Confession of
one of real
murderers.

Most Providentially for these Apparently Ill fated Men this Suspension of their Sentence took place, for their innocence has at length been most clearly and satisfactorily established by the Voluntary Confession of One of the Real Murderers, Named John White.

In consequence of this Confession John White was arrested and fully Convicted on the Clearest testimony, independent of

his Own Confession, and Suffered the Sentence of the Law on the 22nd of July last.

1814.
8 Oct.

The evidence on this conviction having fully exonerated Hoolaghan and Suttar, I have respited them for the Sentence passed on them, and admitted them to Bail, until His Majesty's Pleasure shall be made known thereon.

Respite
granted to
Hoolaghan
and Suttar.

I have now to request that Your Lordship will be Pleased to lay the Proceedings of Our Criminal Court, on this extraordinary Occasion, before His Royal Highness the Prince Regent, and Move His Royal Highness to extend His Majesty's Free Pardon to the said Michael Hoolaghan and Alexander Suttar.

Free pardon
requested for
Hoolaghan
and Suttar.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PROCEEDINGS AT THE TRIAL OF MICHAEL HOOLAGHAN AND
ALEXANDER SUTTAR.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

At a Court of Criminal Jurisdiction, holden at Sydney in the Territory of New South Wales on Saturday, the Twenty fifth day of June in the Fifty fourth year of the reign of our Sovereign Lord George the third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the faith, and in the year of our Lord One Thousand, Eight hundred and fourteen. for the trial of all and all manner of Felonies, Misdemeanors. and of other Offences, Committed within the said Territory or its dependencies, or within any part thereof. In pursuance of a precept, under the hand and seal of Lachlan Macquarie, Esquire, Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its dependencies, bearing date the fifteenth day of June, One thousand eight hundred and fourteen.

Present:—Ellis Bent, Esquire, Judge Advocate; Captain Hy. Glenholme, 73rd Regt.; Captain J. M. Gill, 46th Regt.; Lieut. Thomas Miller, 46th Regt.; Lieut. Alexander Campbell, 46th Regt.; Lieut. Hans Morrison, 46th Regt.; Ensign T. B. Bicknell, 73rd Regt.

On which day, Michael Hoolaghan, otherwise called Michael Woolaghan, and Alexander Suttar are put to the bar, charged by an Information in writing, exhibited to the Court by Ellis Bent, Esquire, Judge Advocate of our Lord the King for the said Territory, with the Wilful murder of one Rowland Edwards which information is duly read in open Court to the said Prisoners in these words:—

“In the Fifty-fourth year of the Reign of our Sovereign Lord George the third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the faith.

New South Wales { “Be it remembered that Ellis Bent, Esquire.
To Wit { Judge Advocate of our Sovereign Lord the King
for the Territory of New South Wales and its
dependencies. Who Prosecuteth for our said Sovereign Lord the King in this behalf, in his proper person, cometh here into the Court of Criminal Jurisdiction, holden in Sydney in the said Territory for the trial of all and all manner of felonies, Misdemeanors, and of other Offences, Committed within the said Territory or its dependencies, or within any part thereof, on Monday, the Twentieth

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

day of June, in the Fifty fourth year of the Reign, aforesaid, and, for our said Sovereign Lord the King. Giveth the Court here to understand and be informed that Michael Houlaghan, late of Parramatta in the Territory aforesaid, labourer, otherwise called Michael Woolaghan, and Alexander Suttar, late of the same place, labourer, not having the fear of God before their eyes, being moved and seduced by the instigation of the devil on the Twenty eight day of May, in the Fifty fourth year of the Reign of our Sovereign Lord, George the third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the faith, and in the year of our Lord One Thousand eight hundred and fourteen with force and arms at Parramatta, aforesaid, in the territory, aforesaid, in and upon one Rowland Edwards in the peace of God and of our Lord the King then and there being feloniously, wilfully, and of their Malice aforethought, did make an Assault; and that the said Michael Houlaghan, otherwise called Michael Woolaghan, a certain Gun of the value of Ten Shillings, then and there loaded and charged with Gun Powder and divers leaden bullets, which Gun, so loaded as aforesaid, he, the said Michael Houlaghan, otherwise called Michael Woolaghan, in both his hands then and there had and held, to, against, and upon the said Rowland Edwards, then and there, feloniously, Wilfully, and of his Malice aforethought, did shoot and discharge; and that the said Michael Houlaghan, otherwise called Michael Woolaghan, with the leaden bullets and leaden slugs aforesaid, out of the Gun aforesaid, by force of the Gunpowder shot and sent forth as aforesaid, the aforesaid Rowland Edwards in and upon the right side of him, the said Rowland Edwards, a little above the right hip of him, the said Rowland Edwards, then and there, feloniously, Wilfully, and did of his Malice aforethought, did strike, penetrate and wound, giving to the said Rowland Edwards then and there with the leaden Bullets and leaden Slugs aforesaid, so as aforesaid shot, discharged, and sent forth out of the Gun, aforesaid, by the said Michael Houlaghan, otherwise called Michael Woolaghan, in and upon the right side of him, the said Rowland Edwards, a little above the right hip of him, the said Rowland Edwards, divers mortal wounds, penetrating into and through the body of him, the said Rowland Edwards, then and there instantly died: And that the aforesaid Alexander Suttar then and there feloniously, Wilfully, and of his Malice aforethought, was present, Aiding, helping, Abetting, Comforting, Assisting and Maintaining the said Michael Houlaghan, otherwise called Michael Woolaghan, the felony and Murder aforesaid, in manner and form aforesaid, to do and Commit: And so that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Suttar him, the said Rowland Edwards, then and there, feloniously, wilfully, and of their Malice aforethought, did Kill and Murder against the peace of our Lord the King, his Crown and Dynasty."

To this information, the Prisoners pleaded that they were not Guilty of the said Felony and Murder, in manner and form as is charged by the said Judge Advocate against them.

EDWARD MAIN, sworn and examined for the Prosecution, says, I live at the South Toll Bar at Parramatta. I keep the Turnpike Gate there. I am perfectly acquainted with the prisoners at the Bar. They have been frequently at my House. I have a thorough knowledge of their persons. On the evening of the Twenty Eight of May last, William Jenkins of Sydney came to my house; a little

boy (named Humphreys, I think) came with him. It might be such a thing as half past six O'Clock, when they first came. They asked for some refreshment and leave to stop for the night. It was a very fine night, indeed the moon shone exceeding bright. The Supper was served on the Table, and they partook of it. Just as they had done the deceased Rowland Edwards came in from Sydney on his way to Prospect; He was travelling with a Cart and two bullocks; he also asked for house room and refreshment; Some supper was got for him. It might be seven O'Clock or perhaps ten minutes after, when he arrived: They both complained of being weary of their journey and went to bed, and so did I also. It was then about nine, but I had no watch, and cannot be exact as to minutes; but having a necessity of often in the night, I have a good Idea of the time. About Eleven O'Clock, one David Dunstan and his man came with a Cart and four Bullocks, desiring to pass thro' the Gate on his road to Hawkesbury. It was moon-light and a very bright night indeed. I got up and let them pass thro', but the man stopped behind in my house for five minutes against my will to light his pipe, and he was very fresh in liquor. After he went away I went to bed again and fell sound asleep. At half past Eleven, I was called three times to open the door by a voice that I thought I knew as I was getting up; it called—Main! open the door, Main! open the door. Before I opened my door I had a perfect Conviction in my own mind that it was Houlaghan's Voice; his voice is very familiar to me. I got up and opened the door. When I came to the door, instead of seeing a Cart, which I expected was in company with Woolaghan, I saw two men masked with handkerchiefs. The tallest man had a Yellowish handkerchief on his face, and the shortest man had a reddish one. I was not perfectly sure, when I went out, who they were; I was so deceived. They were on each side of the door, standing like centuries, each a Musquet in his hands rested on the ground. I proceeded immediately to unmask them and succeeded in tearing the handkerchiefs off their faces. I knew them then. I am sure of the one, but I am not so sure of the shortest man; the other was Houlaghan, I can take upon myself to swear it was Houlaghan. I will not positively swear that the other man was Suttar. But to the best of my belief it was. I seized hold of the short man's Musquet and tried to get it from him, and very near effected it; he cried, knock him down, knock him down; but before this Houlaghan fired his Musquet from the middle part of him. Rowland Edwards and Jenkins were at this time coming to the door. I heard them fall and the deceased Edwards call out, I am bleeding to death. I still with great fervency called out for help, but no one came; after the Musquet was fired, Suttar called out knock him down, knock him down; and immediately I had several blows on my back, but they were not given with great strength. I believe he began to get afraid; in the Scuffle I was pulled near a rod from the door towards Pickering's House. I fell on my Knees in the road, and the short man got from me; they then fled by Pickering's House at the North side of it, and I saw no more of them. I then went in and secured the doors for a few minutes. Jenkins was a dead Corps, just within the door; I could hardly shut the door for him. Edwards, the deceased, had drawn himself towards the fire; to all appearance, he was in exceeding great agony and said, I am dying, I am dying; he said, Main go for help, perhaps I may be saved for the sake of my poor children; he died that same night. I examined the body

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

of Jenkins and found it a dead Corps. I laid it against the door for I was afraid they would burst the door open. I went to Edwards, and examined him upon my knees; he was bleeding very much and crying out very much. I left the little Boy to stop in the House with Edwards and the Body of Jenkins, and I went down to Parramatta for the Constable and Doctor Younge; I stopped at the House of one Refane in my way and told him the circumstance, and he sent up two men to my House. I then went to Mr. Oakes, and the Constable, and told him; and then I went to Doctor Younge's, and told him to come in all haste. I was the first man back to my House myself; in about five minutes, I summoned the boy to open the door, and he cried out, oh! Sir, I'm afraid, it is not you; a party of the military also arrived, and Mr. Marsden very near day light. I and a Soldier searched about the road in the front of the House with a lamp, and we found two handkerchiefs one yellow, and the other red; the yellow one was within a yard and a half of where Woolaghan stood, and the red one at the place where I was pulled down on my knees, about a perch from the door in an oblique direction. These two handkerchiefs are the very two we picked up on the road. I believe them to be the same as the two men, I had the contest with, had on their faces; the yellowish one had a tear in it when I found it. One Norris was at my House in the forepart of the same evening conversing with Jenkins, it was on a Saturday Evening. I knew the voice of the low sized man, I believe it was Suttar's.

Cross-examined, says, To the best of my belief, I gave the same positive testimony before the Coroner as I have given to day. I believe I was much agitated and confused at the time I opened the door and saw the men masked; a few days before this I never expressed myself with great displeasure relative to Woolaghan about his decoying my Woman away. I had not the most distant thought of his decoying her away. I pay the tolls of the Gate to Cullen and Redman. I never had any conversation to my knowledge relative to Woolaghan's decoying my Woman away with Cullen.

Re-Examined says, I believe that at this time Woolaghan did not like me, but I was never in dread of my life of him. I had been informed by two different persons before this that Woolaghan had threatened me at the time I unmasked him. I was perfectly sure he came to rob me and kill me. I had given Woolaghan Credit for different things he had had at my house, and he had not paid me, and I had informed his employer; another reason was that there were two Women belonging to the factory at Parramatta, who, when their work was over, used to go in the afternoon to some of four Men, who were employed on the new road from Parramatta to Liverpool. Woollaghan and Suttar were two of those four Men, Bond and Day were the other two.

Question from the Prisoner; Woolaghan could not easily have fired his Musquet at me, at the time in question, because at that moment I was too close to him.

Court.—A hat was found upon the road before the Handkerchiefs, but not by me; this is the hat which was found on the road. I do not know whose hat it is; no demand was made on Me for Money.

ANNE MAIN, sworn and Examined for the Prosecution, says, On a Friday Evening, the thirteenth of May, I was coming from a Person in the Brick-fields, a little below Our house towards Parra-

matta, Susan Wyatt was in company with me. I met the two Prisoners and Bond and Day upon the road; all four were together. Woolaghan stopped on the road, the other three walked on; he asked me what my husband (Main) meant by calling them ragged rascals, and stopping their Women and preventing them coming through the Gate. I asked him who told him so, for I did not think he made use of any such expression. Woolaghan said the Women told him so. Woolaghan, then swearing an Oath, said, let Main look out, for the first time he got drunk he would serve him.

(The hat, shewn to Main and picked up near the turnpike, is shewn to the Witness who says,)

I have seen the Prisoner Suttar wear this hat frequently. I have seen the others wear it also; they used to wear each others things; and the whole four of them has threatened my husband's life to me at different times. I told my Husband what Woolaghan said, in Company with Susan Wyatt and Mr. Waring, and he promised to write to Mr. Wentworth about it.

SUSAN WYATT, sworn and Examined for the Prosecution, says, I know the Prisoners at the bar by sight. I met the two Prisoners in George Street Parramatta, I was in company with Anne Main; there were three men forward and one behind; the tall Prisoner spoke to Mrs. Main, and Said, first time he got drunk he would serve Main. I did not hear the three others speak at all, only this one man. I live at Hawkesbury; I told Main what this man said.

SARAH BARROW, sworn and Examined for the Prosecution, says, I live at Parramatta. On the Saturday evening before Whit-sunday, a young man came up to the door of my house; he asked me for bread, we had not any bread; it was all gone. To the best of my knowledge, this was betwixt the hours of eight and nine. Another man was at the door. This young man said he was a traveller on the road, and that he was on business for the Governor, and what would he say if he could get no bread. I told him, if he would come in, I would give him some off a loaf cut for our own family. I weighed him a pound of bread and charged him six-pence. I perceived some kind of bright fire Arms in his left Breast, and what appeared to me a piece of lead in his left ear. He said he always carried arms when he travelled. To the best of my Knowledge, the Prisoner Suttar is the man. He had an old, dark Coloured, Silk Handkerchief on his neck. I saw the man on the following day at the Court house, Parramatta. He had a different handkerchief on then; it was Yellow. The handkerchief, he had on that night, was very like this reddish one; if not the same, it was one of that description. He had on what appeared to me a Tarpaul'd hat. I had seen him with that hat two or three times before, he used to come for bread and pay for it at the time. I saw him with a hat the following day at the Court house at Parramatta, but neither the hat nor the handkerchief, he had on then, were the same as he had on Saturday night. This hat is very like the one he had on on Saturday night. He was very near me for some Minutes: had it not been for the light of the lamp, I should not have known him. The fire arms appeared to me to be very carefully tucked in his Jacket. I was rather alarmed.

THOMAS WOLLY, sworn, says, I live at Parramatta with Mr. Barrow. I know the Prisoner next me, he came out in the same Ship with me; he went by the name of Alick Scott then; I believe he calls himself Sutter now. He came twice for bread to my

1814.

8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

House in the beginning of May last. He wore a straw or a Chip hat, covered with something.

The same hat is shewn to the Witness, who says:

This is the hat he wore the first time he came to my house. I know it particularly by the holes in the crown of it. I never had it in my hand, before I saw it at the Court at Parramatta, and then I knew it directly. I took very particular Notice of it, before I saw it at the Court, when I first saw him, because I had not seen him for two years before, and thought I knew his features, and looked at his hat to see, if he was a Sailor or a Prisoner. The Prisoner came out to this Country in the Gambier as a Sailor; I came in the same ship. I cannot tell whether he was at Barrow's house on the Saturday night before Whitsunday. I was in bed.

ELEANOR NORRIS, sworn and Examined for the Prosecution, says, I live between Main's Turnpike Gate and Parramatta.

(The Handkerchief, sworn by Main to have been picked up near the turnpike Gate, and to have been pulled off Woolaghan's face, is shewn to the Witness), who says,

This is the Handkerchief I gave Martha Dunn. I know it by buying it, and hemming it, and washing of it, and likewise when I tore it with a pin on my neck, by putting it on my hand to darn it back again, and by hemming it with yellow silk, I see the same Torn place now on it, and I did not mend it, because I swapped it away with this Woman. I am very sure it is the same handkerchief. Martha Dunn at the time liv'd in the house with me; some time ago, I cannot tell how long, I was going on the road to Sydney to Mr. Wentworth's farm, to look for my pigs which I had lost. I met Woolaghan on the Way; he asked me if Martha Dunn lived at my house; I said, no; he asked me where she lived; I said, I believed on the other side of the Water. I observed a Handkerchief round his neck, which I thought was the one I gave Martha Dunn, and that made me suppose Martha Dunn and he lived together. I asked him if Martha Dunn gave him that handkerchief. I then said, if it were mine, there was a hole in it; he said he would shew it to me if I liked; with that he went on, and I pushed towards Mr. Wentworth's farm; he told me Martha Dunn had not given it to him.

MARTHA DUNN, sworn and Examined for the Prosecution, says, I never have been in the habits of cohabiting with the Prisoner, Michael Hoolaghan. I am acquainted with him, and, when I came into the Country, he asked me to live with him. I recollect swapping Handkerchiefs with Eleanor Norris, I lent it to this man, I mean the Prisoner, Woolaghan; he wanted to go to Sydney; he never returned it to me.

Cross-Examined, says, I never heard Eleanor Norris say she would have revenge of Woolaghan. After I was living with Eleanor Norris, I went to her house, and she told me that Main was going to Sydney; that these four men had run in debt with him ten Pounds, and Main would be ruined. She then said bad luck to them, for they Stole my pigs; I mean the two Prisoners and the two Men, outside, Bond and Day. I did say that Eleanor Norris had perjured herself in identifying the handkerchief.

The same Handkerchief is shewn to this Witness, as is shewn to Eleanor Norris, who says,

This is not the Handkerchief I lent Woolaghan, nor the one I

received from Eleanor Norris. I kept the handkerchief, I received from Eleanor Norris, about a Day or two before I gave it to Woolaghan. I never had an opportunity of examining it afterwards. I saw what I supposed to be the handkerchief about Woolaghan's neck. I should know the Handkerchief I gave to Woolaghan if I saw it. I saw it on Woolaghan's neck, when he came into the Court house at Parramatta, and told Jack Norris, when he was going in, to take care what he was going to do; she had sworn to the wrong handkerchief.

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

JOSEPH KING, sworn and examined for the Prosecution, says, I am a Private in the Seventy third Regiment. I was quartered at Parramatta on the twenty eight day of May last; about half past Eleven on the Evening of that day, I was directed by Captain Brabyn to proceed to the Parramatta Gate House with other Soldiers. I went there; from there I went with the Soldiers and two Constables to some Bark huts on the new road from Parramatta to Liverpool; there were some Soldiers and Constables there before us. The Soldiers and the Constables apprehended the two prisoners there; the Prisoner Woolaghan had what appeared to me to be a half-handkerchief in his hand of a reddish Colour; we apprehended the two other men, also Bond and Day, all four were brought into Parramatta that night; it was between two and three O'Clock in the Morning, before we got to the gate. I stopped at the turnpike Gate with another Soldier 'till morning, as the men seemed very frightened. Main and I afterwards searched about the door of the House and we found two handkerchiefs, One was a red one torn in two halves, the other was a Belcher; I believe these Handkerchiefs, now shewn me, to be the same. We also picked up the Sleeve of a red Jacket; I did not find a hat nor was I present when one was found. Woolaghan had a red handkerchief in his band, when I apprehended him; he had not any on his neck. I asked him why he did not put it on; he had a Belcher on his neck, when he was examined on the Sunday at Parramatta. I cannot tell whether he took any Cloze with him from the huts to Parramatta or not; the Prisoners did not shew any reluctance on being apprehended, but he hung very much behind. I did not go into the men's hut at all.

JOHN WHITEMAN, sworn and examined for the prosecution, says, I was in Confinement in His Majesty's Gaol at Parramatta on the Twenty eighth day of May last. I had some Conversation there with the Prisoner Woolaghan on the Sunday Morning, the Twenty ninth of May; he asked me to shave him. I told him I had not a razor to shave him; he borrowed a piece of Soap and lathered himself; he sent several times to borrow a razor; he could not get one and I had an old razor in my Pocket. I shaved him with that razor; after I had shaved him with it, he said he would not have been shaved for fifty Pounds with such a razor if it had not been for that time. I asked him, who was the instigation of his being taken. He said Bloody Main at the Toll bar; he said that Main informed against some Bushrangers between Mr. Wentworth's piling and the Toll-bar; if they had paid him for the Cask of beer, they had been drinking at Mr. Main's, he would not have informed against them; that they might have robbed between the toll bar and Sydney, and Murdered who they chose, if they had paid for the Cask of beer. He said the bloody piece missed fire the first time, and the Second time he pulled the Trigger he seed

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

the two Men fall. That he struck at Main with the Butt end of it. He said, if he got his liberty, he would have his life, if there never was another man in the Colony. He said it was not meant for the two men that were shot. It was meant for Main. He had very large Whiskers before I shaved him. By his own desire, I altered the form of them to a point. One Isaac Howard overheard this Conversation and said, he has told you as much, Whiteman, as would hang forty men. I was put into Parramatta Gaol for running away from Mr. Bally's service. I was never convicted of any other offence in this Colony. I am a Prisoner. I have been ten months in this Country.

Cross-examined, for the Prisoners, says, This conversation happened in the large room in the Gaol; there were not many persons belonging to the Gaol Gang standing around us at the time I was shaving the Prisoner. Isaac Howard was nearest. He spoke so that nobody could hear it within two yards. I informed Mr. Marsden in the Gaol that it was a brass-barrelled piece the prisoner had. Mr. Marsden remarked to me that it was a very extraordinary thing that the others did not hear it. I said they did hear it, if they chose to speak the truth. I never saw Woolaghan before but once; he put such Confidence in me by the report of the other people saying I was a good Man and trusty. I cannot tell what his reason was for telling me this.

ISAAC HOWARD, sworn for the Prosecution, says, I was confined in the Parramatta Gaol on the night Edwards and Jenkins were Killed. I recollect John Whiteman shaving the Prisoner Woolaghan. I recollect hearing a conversation between Whiteman and Houlaghan. I heard Houlaghan say (I mean the older man of the two prisoners, let his name be what it will) that he strove the piece twice at Main, but it missed fire both times, and, on its miss firing, he struck at Main twice with the butt end of it. That was all I heard passed betwixt the old man and Whiteman. I never made any remark to Whiteman. I did not tell him he had said enough to hang forty persons.

Cross-examined for the Prisoners, says, Whiteman has not been along with me these ten days. I told Whiteman what the old man had said to him.

MR. FRANCIS OAKES, sworn for the Prosecution, says, I am the Chief Constable at Parramatta. About Twelve O'Clock on the Evening of the Twenty Eighth of May last, Edward Main came to my House and informed me that two ruffians Had been there, and had shot one man dead, and the other was dying. I went to the Toll-Gate and asked him had he any knowledge of the persons; he said he had; he was sure it was the men making the new road from Parramatta to Liverpool. He particularly named Woolaghan. I asked him did he know the man's voice; he said yes; He mentioned Suttar, but was not positive as to him. I sent the constables with a party of Soldiers out to bring them in. At this time, I was at the Toll-Gate. I had been there but a few minutes when this hat was picked up at the outside of the Toll-gate on the Causeway at the end of the house next the bridge. The Soldier handed it to me and I took it into the House. At this time one Norris was there. I stopped there till the Soldiers and the Constables brought the two prisoners at the Bar, and the other men, Day and Bond. On the Sunday Morning, these two handkerchiefs (namely the two found near the turnpike-Gate) were handed to

me; this other handkerchief I took of the Prisoner Woolaghan's neck that morning.

(Note this last handkerchief was sworn by Martha Dunn to be the one she received from Eleanor Norris, and gave to the Prisoner Woolaghan.)

Witness further says, There were orders for the Prisoners being put into Solitary Cells, but they were full; and they were put into the large room. Things might have been very easily handed to them.

JOHN NORRIS, sworn and Examined for the Prosecution, says, I live between Main's Turnpike Gate and the Town of Parramatta. I recollect the night that Jenkins and Edwards were shot at Main's House. I was in company with Jenkins the forepart of that Evening. I went up to Main's house after they were shot. I saw that hat picked up at Main's Door by a Soldier. I have no previous knowledge of that hat. I cannot positively swear to this handkerchief, I have wore something of the sort.

MR. HENRY ST. JOHN YOUNGE, Sworn and Examined, says, I am Assistant Surgeon at Parramatta. I was called, on the night of the Twenty Eighth of May last, to go to the house of Edward Main at the turnpike. I saw Rowland Edwards there. He was shot through the body, thro' the lower part of the Abdomen or belly, and likewise the groin. I examined the Wounds, I considered them to be Mortal. I saw his body after death. I consider his death was occasioned solely by those Wounds. I saw the dead body of William Jenkins there.

Prosecution Closed.

WILLIAM DAY, sworn and examined for the Prisoners, says, I was employed on the new road leading from Parramatta to Liverpool, on the Twenty eighth of May last under Mr. Roberts; the Prisoners were employed with me and Thomas Bond; we had two bark huts on the road about two Miles and a quarter from the Turnpike at Parramatta. Thomas Bond and I lived in the first hut, and the two prisoners lived in the other; between nine and ten O'Clock next night, I went to the Prisoners' hut to borrow a loaf of bread and some Sugar, and Stayed there a quarter of an hour and then I came back. I went about a quarter of an hour after I went the first time to the Prisoners' hut for a Shovel, they were still in Bed; I took the Shovel and came back to my own Hut. I never saw any fire arms about the place; the Prisoners were displeased at my disturbing them. I never saw the Prisoner Sutter, since I knew him, with any other hat than the one he now produces. I have known him Nine or ten Weeks. I saw the handkerchief taken from about Woolaghan's neck by Mr. Oakes. I never saw him with any other Handkerchief than that, he has a small blue one besides that. There were five loaves of bread in the Prisoners' hut, besides the one I borrowed.

Cross-examined says, The huts are eight or nine rods asunder. On a Still night we could hear each other speak. The Prisoners could not be possessed of fire Arms without my knowing it. I dare say it was after ten when we went to Bed. I slept sound; I can't say immediately. Bond was at Parramatta for bread, when I came back the first time from the Prisoners, Bond was just returned. Woolaghan got a Handkerchief from Mrs. Dunn; Mrs. Dunn gave the handkerchief to Woolaghan upon the road between our huts at Parramatta. It is like one he lost.

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

1814.
8 Oct.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

MR. GEORGE CROSSLEY, sworn for the Prisoners, says, I know the Prisoner Woolaghan. I have known him about a year and a half or two years; he did a good deal of fencing for me at Sydney; he was very industrious and behaved very well when with me; he went from me to Roberts, And I was very angry with Roberts for taking him off the Store. I should consider myself safe in travelling the road with him. I consider him a peaceable and quiet man.

Cross-examined, says, I have heard that he was some time ago brought forward on a charge of a Similar description. I did not know it till he had been employed by me some time. I heard that he was convicted of that crime.

THOMAS BOND, sworn and Examined for the Prisoners, says, I am one of the Men that worked on the Parramatta New Road to Liverpool with the Prisoners and William Day. I recollect the night that Jenkins and Edwards were Shot. I live in the first of the bark huts, as you go from Parramatta, with William Day. I went that evening to Parramatta at Sundown. I returned to our huts between nine and ten o'Clock. I saw William Day and the Girl he was living with at our hut when I returned; he was coming with some things he had borrowed from the Prisoners' hut. I did not see the Prisoners. I never knew of any fire arms being about the place. There could not be any fire arms there without my seeing them. I saw Martha Dunn give the Prisoner a handkerchief. I should know it if I saw it. I never saw the men leave the huts after hours. This is the Handkerchief given by Martha Dunn to Woolaghan (and the same that is sworn to by Martha Dunn); she gave it to him in the road near the huts near two months before this happened. She came out on purpose. Woolaghan had a yellow handkerchief, which was lost, when he and Mrs. Dunn had liquor at Main's house and she gave him this in the room of it. I have known Sutter since last March. This is Sutter's hat (the same hat sworn to by Day). I have never known him wear any other hat.

Cross-examined, says, (The hat being shewn him found at the turnpike Gate) I never saw this Hat till I saw it at the Inquest. I never wore it myself; We were not in the habit of changing hats and wearing each others Cloaths.

PATRICK CULLEN, sworn and examined for the Prisoners, says, Redman and I farm the Tolls on the Parramatta road. I had some conversation with Main before this business happened, relating to the Prisoners at bar. On the fourth or fifth of May last, I overhauled Main's Books. When I overhauled his books and Settled the account, he said he could not pay the Money due at that time; he said he had a parcel of bills that he knew Mr. Redman and I could not approve of, and that he laid them out for a Cask of Beer with Mr. Blaxland; in the course of this Conversation, he said he dared to say his Wife was along with the raggamuffins at Roberts's Hut; he did not mention any body's names. I understood him to mean the huts these four men were living at; he spoke in very Angry terms; he desired me to have her advertized. The Sunday Morning after the Murder was Committed, I saw Main. I asked him if He was sure the Prisoners were the People that committed the Murder; he told me he had every reason to believe they were from the Expressions they made to his Wife; he was not then possitive they were the people. I conceived he merely

suspected them from that circumstance. I am not sure whether the Inquest was sitting at this time or not.

1814.
8 Oct.

MR. WILLIAM ROBERTS, sworn and Examined for the Prisoners, says, The Prisoners were in my employ; Woolaghan had been in my employ since April Twelve Months, Suttar for Three Months. I found Woolaghan Industrious and trusted him as an overseer over the other men. I considered him a peaceable quiet man and very industrious. I never saw Suttar but three times, since I employed him. I saw no harm in the man. I never furnished the Prisoners with any fire arms. I was in both huts the last time I was there. I stopped in one hut and had some Tea with them.

Proceedings
at trial of
Michael
Hoolaghan and
Alexander
Suttar
for murder.

MR. JOSEPH THOMPSON, sworn and examined for the Prisoners, says, I was Master of the Brig Trial. The Prisoner Suttar served under me in that Brig from November One Thousand Eight hundred and Thirteen till February last. I considered him a very peaceable man, during the time he was employed under me. I was very much astonished when I heard of this.

The Prisoners do not call any other Witnesses.

The Court, having materially Considered and fully understood the evidence adduced, as well on behalf of the Prosecution, as on behalf of the Prisoners at the bar, doth adjudge that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Suttar are, and that each of them is Guilty of the Felony and Murder, wherewith they stand charged. And this Court doth further adjudge that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Suttar, for the said Felony and Murder, be taken from hence to the Prison from whence they came; and from thence, on such day as His Excellency the Governor shall be pleased to appoint, they shall be taken to the place of Execution, and that they shall there be severally hanged by the neck, until their bodies be severally dead, and that their bodies, when dead, shall be taken down and be dissected and Anatomized.

ELLIS BENT,	J.-A.
H. GLENHOLME,	Capt'n. 73rd Regt.
JNO. GILL,	Capt'n. 46th Regt.
THOMAS MILLER,	Lieut. 46th Regt.
A. CAMPBELL,	Lieut. 46th Regt.
H. MORRISON,	Lieut. 46th Regt.
T. B. BICKNELL,	Ensign 73rd Regt.

A true extract from the Records of the Court of Criminal Jurisdiction at Sydney, New South Wales, Which I attest,

ELLIS BENT, Judge-Advocate.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 15 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

8th October, 1814.

I feel peculiar Pleasure in submitting to Your Lordship's Consideration some Reflections, which, in the Course of My Government, have Occurred in My Mind in regard to the Character and General Habits of the Natives of this Country;

Character
and habits
of aborigines.

1814.
8 Oct.

Character
and habits
of aborigines.

by A Communication of Which, I trust I shall be enabled to Interest Your Lordship's humane and liberal Feelings in behalf of this Uncultivated Race.

Scarcely Emerged from the remotest State of rude and Uncivilized Nature, these People appear to possess some Qualities, which, if properly Cultivated and Encouraged, Might render them not only less wretched and destitute by Reason of their Wild wandering and Unsettled Habits, but progressively Useful to the Country According to their Capabilities either as Labourers in Agricultural Employ or among the lower Class of Mechanics.

Those Natives, Who resort to the Cultivated Districts of this Settlement, Altho' prone like other Savages to great Indolence and Indifference as to their future Means of Subsistence, Yet in General, are of free open and favorable Dispositions, honestly Inclined, and perfectly devoid of that designing Trick and Treachery, Which Characterize the Natives of New Zealand and those of the Generality of the Islands in the South Seas. The Natives of New South Wales have never been Cannibals. In fact they seem to have as great an Abhorrence of practices of that kind as if they had been reared in a Civilized State. The principal part of their Lives is Wasted in Wandering thro' their Native Woods, in Small Tribes of between 20 and 50, in Quest of the immediate Means of Subsistence, Making Opossums, Kangaroos, Grub Worms, and such Animals and Fish, as the Country and its Coasts Afford, the Objects of their Fare.

The Introduction of Herds and Flocks has not even Yet tempted them to Alter their Mode of living, Which is a Circumstance to be Calculated on as peculiarly fortunate; since, had they been Inclined to Make prey of them, it would have been a Matter of the Greatest Difficulty, if not altogether Impossible in the early state of the Colony, to have guarded against their Depredations, and the Consequence would have been that Instead of the Numerous and promising Herds and Flocks, which now extend over the face of the Country, very few would have been preserved, and the Supplies of Animal Food would not have been in any Degree equal to our Wants.

Those Natives, who dwell Near Sydney or the other principal Settlements, live in a State of perfect Peace, Friendliness, and Sociality With the Settlers, and even Shew a Willingness to Assist them Occasionally in their Labours; and it seems only to require the fostering Hand of Time, gentle Means, and Conciliatory Manners, to bring these poor Un-enlightened People into an important Degree of Civilization, and to Instil into their Minds, as they Gradually open to Reason and Reflection,

A Sense of the Duties they owe their fellow Kindred and Society in general (to Which they Will then become United), and taught to reckon upon that Sense of Duty as the first and happiest Advance to a State of Comfort and Security.

1814.
8 Oct.

From Whatever Motives or Causes Some of these Natives have been Induced to Commit Acts of Hostility against the Settlers, it seems to bear a reasonable Inference that Provocation or Aggression from some Undiscovered or Unacknowledged Cause may have given Rise to them, Under an Impression of temporary Revenge; but when once Induced to forego this Vindictive Spirit, which Kindness and Encouragement and Social Intercourses together Would Sooner or later bring about, their next Step towards Civilization would be rapid and easy, and they Would learn to Appreciate that Degree of Importance to Which they had thus progressively Attained.

Acts of
aggression due
to motives
of revenge.

From Considerations of this kind, Which in a great Measure have been Guided and Strengthened by My own personal Knowledge and Observation, I have determined to make an Experiment towards the Civilization of these Natives, Which is the Object I have in View by this Address, and trust it Will Meet Your Lordship's benevolent Patronage. As a preliminary Measure I intend to establish an Institution at Parramatta, first on a Small Scale under the Direction of a Mr. William Shelley (formerly a Missionary), Whom I shall Appoint as Superintendent for Educating, and bringing up to Habits of Industry and Decency, the Youth of both Sexes, Commencing at the Outset with Six Boys and Six Girls. Mr. Shelley Appears to be Well Qualified for such an Undertaking, is a Moral, Well Meaning Man, and has Manifested great Zeal and Promptitude On this Occasion, Insomuch that I Consider him a very fit Person to be Entrusted for such a Purpose.

Proposal for
the civilization
of aborigines.

Native
institution to
be established.

Herewith I do Myself the Honor to transmit Your Lordship Mr. Shelley's Plan and Estimate of the Annual Expence of such an Institution, and I trust they Will Meet Your Lordship's favorable Consideration and Approval. The Expence Appears high for so small a Number of Scholars, but it Will diminish in proportion to the Increase of Scholars to be expected. Whatever Degree of Doubt May Impend over An Attempt of this Nature, it Appears to Me to be Worth the Trial of two Years, and the Expences will be defrayed from the Colonial Fund.

Plan and
expenditure
proposed.

I have it Also in Contemplation to Allot a piece of Land* in Port Jackson bordering on the Sea Shore *for a few of the Adult Natives*, Who have promised to Settle there and Cultivate the Ground. Such an Example Cannot, I think, fail of Inviting and Encouraging other Natives to Settle on and Cultivate Lands,

Proposed
reserve for
aborigines.

1814.
8 Oct.

Missionary
enterprise
amongst the
aborigines.

preferring the productive Effects of their own Labor and Industry to the Wild and precarious Pursuits of the Woods.

Whilst it is Well known that Considerable Sums of Money are Expended, by the Missionary Societies of London and other parts of England, in Attempting to Evangelize the Natives of *New Zealand and Otaheite*, it may be Allowed to be an Object favorable to the Interests of Humanity to see an Attempt of this kind made on a frugal and prudent Scale in the Territory of New South Wales, the Natives of Which Appear to Me to have peculiar and strong Claims to the philanthropic Protection of a British Government.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. WILLIAM SHELLEY TO GOVERNOR MACQUARIE.

Sir,

Parramatta, 8th April, 1814.

The civilization of the Natives of this Continent, particularly those contiguous to these Settlements, having frequently occupied my thoughts, I take the liberty of laying before Your Excellency a few ideas on that important Subject.

The problem of
the civilization
of aborigines.

Notwithstanding the prejudices that many have against the probability of success in Civilizing the Natives of New South Wales, yet, if we consider that human nature is the same in every Clime, allowing for the difference of manners and Customs and variety of Circumstances in which they are placed, I think this opinion supported neither by theory or experience. I know it has been alledged that men have been Carried to England, lived in civilized Society during a long space, and on their return relapsed into their former habits and Society; but it must be acknowledged that they learned no means of supporting themselves in their improved habits, nor Could they make themselves respectable in their new Society. They were generally despised, especially by *European females*; thus all attachment to their new Society was precluded; they learned neither mechanical arts, nor manual labour, so as to make them pleasant or useful to them; long Contracted habits recurred with greater force on this account. Where is the human being, who would be pleased to live at a Gentleman's table, and wear his Clothes, without having any prospect in view but food and Clothes, while he remained useless and despised in the Society in which he lived? Young Men live in a prospect of Marriage, and have ambition and pride to be respectable in their own Society. No European Woman would marry a *Native*, unless some abandoned profligate. The same may be said of Native Women received for a time among Europeans. A Solitary individual, either Woman or Man, educated from infancy, even well, among Europeans, would

in general, when they grew up, be rejected by the other Sex of Europeans, and must go into the Bush for a Companion; Or, if educated among drunken or thievish Servants, must become Still worse. In order to their improvement and civilization, let there be a Public Establishment Containing one Set of Apartments for boys, and another Separate Set for Girls; let them be taught reading, writing, or religious education, the Boys, manual labour, agriculture, mechanic arts, etc., the Girls, sewing, knitting, spinning, or such useful employments as are suitable for them; let them be married at a Suitable age, and Settled with steady religious Persons over them from the very beginning to see that they Continued their employment, so as to be able to support their families, and who had Skill sufficient to encourage and Stimulate them by proper Motives to exertion. The chief difficulty appeared to me to be the Separation of the Children from their Parents, but I am informed that in many Cases this could be easily done.

1814.
8 Oct.

Proposals for
the education
of natives.

Should Your Excellency conceive the above plan practicable, I will endeavour to lay before Your Excellency the cheapest method of supporting such an Institution, as also a few rules for regulating the same.

I am, &c.,

WILLIAM SHELLEY.

Secretary's Office, Sydney.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

MR. WILLIAM SHELLEY TO GOVERNOR MACQUARIE.

Sir, Parramatta, 20th Augt., 1814.

Having in a former letter stated to your Excellency a few ideas on the practicability of civilizing the Natives of this Territory after the most mature deliberation, I am fully persuaded that, under the blessing of God, these Natives are as capable of receiving instructions as any other untutored Savages.

Probability
of success.

Since I last wrote your Excellency, I have mentioned the subject to a number of the Natives, who express the utmost readiness to send their children and declare they will never entice them to run again into the Bush. From the different enquiries I have caused to be made through the Settlement, the same willingness has been expressed by the different tribes. I was visited on Monday, the 8th inst., by a great number of Natives, who seemed much pleased at the idea that their children should be taught as European children are; a number of the children were very desirous to stop, and four (three Boys and one Girl) pleaded so hard that I consented to their remaining, and they appear very happy.

Opinions of
natives re
proposals.

1814.
8 Oct.

Management
of proposed
institution.

The enclosed is a plan of the institution, which I take the liberty of submitting to your Excellency's Consideration; should your Excellency approve of the Plan, and appoint a Committee to see it carried into effect, I would like to become the Manager; and, as it would take up my whole time, I would expect such remuneration as would enable me to disengage myself from other pursuits, and attend to it without distraction.

I am, &c.,

Secretary's Office, Sydney.

WILLIAM SHELLEY.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

Plan for
the native
institution.

PLAN OF THE NATIVE INSTITUTION.

First.—That there be a Native Institution to consist of a Committee of Five Persons under the Governor, as Patron, Mrs. Macquarie, as Patroness.

Second.—That the Committee and Manager be chosen by the Governor, and that the Manager be one of the Committee.

Third.—That the object of the Institution be the Civilization of the Natives of New South Wales.

Fourth.—That the Institution be supported by Government in such manner as His Excellency the Governor may appoint.

Fifth.—That an Asylum be established for the reception of Native children of both Sexes.

Sixth.—That the Children be taught Reading, Writing, etc., also useful occupations, as Agriculture, Mechanical Arts, and such Manufactures as may best suit the Age and disposition of the children, and that proper Instructors be employed to teach them in these different branches.

Seventh.—That to the Manager be committed the care of the children, the purchase of Provisions and materials for the work, and to provide a Sale for articles manufactured.

Eighth.—That a Piece of Land be provided for the use of adult Natives, who shall be encouraged to cultivate it, and who, under the inspection of the Manager, shall be employed as the Committee may think proper.

Ninth.—That in order to extend the benefit of the Institution to as many objects as possible, subscriptions be received from such Societies and Individuals as may be inclined to forward the object of the Institution.

Parramatta, 20th Augt., 1814.

Secretary's Office, Sydney.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

1814.
8 Oct.

ESTIMATE of the Annual Expences of the proposed Institution
for Civilizing and Educating the Male and Female Youth,
the Natives of New South Wales.

Estimate of
annual expenses
of proposed
native
institution.

	£	s.	d.
To Head Master and Superintendant	100	0	0
„ one Male Attendant	20	0	0
„ one Female Do.	12	0	0
„ Rent of a School House and Lodgings for the Scholars	30	0	0
„ Victualling 12 Children as pr. Annexed Scale of Weekly Ration	170	6	0
„ Clothes, Bedding, Coals, Candles, Washing, Books, Pens, Ink, Paper, etc.	86	16	0
	<hr/>		
	419	2	0

Clothing and Sundry Expences pr. Annum.

	£	s.	d.
To Shirts or Shifts	1	5	0
„ Jackets and Trowsers or Gowns	1	10	0
„ One Pair Shoes	0	5	0
„ Caps and Bonnets	0	7	6
„ Beds and Blankets	0	9	0
„ Washing	0	8	8
„ Books, Pens, etc. etc.	0	7	6
„ Candles	0	6	8
„ Coals	1	3	4
„ Cooking Utensils, and Earthen Ware	0	12	0
„ Gardening Utensils	0	10	0
	<hr/>		
	£7	4	8

£7 4s. 8d. x 12 = £86 16s. 0d.

Scale of Weekly Ration for one Child.

	s.	d.
To 3½ lbs. Meat @ 7d.	2	0½
„ 2 lbs. Rice	0	6
„ 10 lbs. Corn flour	1	8
„ 2 lbs. Wheat Do.	0	8
„ ½ lb. Sugar	0	3
„ ¼ lb. Soap	0	2
„ Salt and Pepper	0	2

5 5½ x 12 x 52 = £170 6 0

Parramatta, 21st Sept., 1814.

WILLIAM SHELLEY.

Secretary's Office, Sydney.

Compared:—JNO. THOS. CAMPBELL, Secy.

1814.
8 Oct.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Seringapatam.)

Government House, Sydney, N. S. Wales,

Sir,

8th October, 1814.

Request for
free passage for
children of
William Rutter.

I enclose you herewith, for the purpose of being Submitted by you to the favorable Consideration of Earl Bathurst, a Memorial addressed to me by Mrs. Charlotte Rutter, the Widow of the late William Rutter, Salt Boiler in this Colony, Soliciting that her two Children, now in England, may be Permitted to join her, and that a Passage may be found for them at the expence of Government in One of the Convict Ships coming out to this Colony. I have accordingly to request that you will be kindly pleased to Move His Lordship to Order a Passage to be found for the two Children in question, on their Relations making an Application for the same.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

The memorial of
Mrs. Charlotte
Rutter.

THE MEMORIAL OF MRS. RUTTER.

To His Excellency Governor Macquarie, etc., etc., etc.

THE Humble Memorial of Charlotte Rutter, Widow,

Respectfully Sheweth,

That Memorialist is the Widow of William Rutter, with whom she Intermarried in this Colony in the year 1807, and who departed this Life about Two Years Since, leaving Memorialist in an Unprotected State with Three Infant Children to provide for.

That Memorialist's late Husband was eminent in his Profession of a Salt boiler, which he brought to great perfection, and rendered particularly useful to the Inhabitants of this Colony, altho' by his unwearied pursuits in that line he Sacrificed his health and eventually his Life.

That Memorialist came Free to this Colony on the Ship Brothers in the Year 1807, being then a Widow, and having left two Children by her former Marriage in England, Vizt. a Boy and Girl, the former of Whom, named Francis Flowers, is now aged 20, and, untill the within last Two Years, has been brought up to Agricultural pursuits, and the latter, named Emma Flowers, is now about the age of 18 Years.

That Memorialist, prompted by Natural Tenderness and Solicitude for the welfare of her said two last mentioned Children, and with a View to their advancement in Life, to have them sent out to this Colony, and therefore respectfully solicits Your Excellency to be pleased to represent her humble and anxious wishes in that respect to His Majesty's Ministers at Home, under the

Hope that, thro' your Excellency's Gracious and Humane Interposition in her behalf, her said Children may be provided with a Passage to New South Wales by as early a conveyance as may be convenient, and admitted to Participate the usual Indulgences granted to Settlers of this Discription.

1814.
8 Oct.

The memorial of
Mrs. Charlotte
Rutter.

May it therefore please your Excellency to make such a representation of her Wishes in this respect to His Majesty's Ministers, as may be the means of procuring her said Two Children a Passage to this Colony with the usual indulgences.

And Memorialist will ever Pray

CHARLOTTE RUTTER.

The address of the before mentioned Children are as follows, Vizt.:—

Francis Flower at Mr. John Drinkald's, No. 19 Beer Lane, Great Tower Street, Tower Hill, London, and

Emma Flower at Mr. Geo. Flower's, Thrintoft, near Northallerton, Yorkshire.

Parramatta, 30 Sept., 1814.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 16 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Sydney, New South Wales, 12th October, 1814.

12 Oct.

I have the Honor of transmitting to Your Lordship here- with the Series of the *Sydney Gazettes* from the 21st of May, 1814 (when last sent) to the 8th Instant Inclusive.

Transmission
of *Sydney*
Gazettes.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO MAJOR-GENERAL TORRENS.

(Despatch per ship Seringapatam.)

Sydney, N. S. Wales, 12th Oct., 1814.

[*The following extract only of this despatch is available:—*]

I do myself the honor to transmit you herewith, for the purpose of being laid before His Royal Highness The Commander in Chief, a Letter addressed to me by Lieut. Colonel Molle, Com'g the 46th Regt., enclosing a Mem'l from himself and the Officers of that Corps, addressed to His Royal Highness, praying for an encrease of Pay, or Colonial Allowance, to Place them on the same footing with the Officers of His Majesty's Regiments serving in the Island of Ceylon; the Prayer of which Mem'l I take the liberty to recommend to the most favorable and indulgent consideration of His Royal Highness The Commander in Chief. I can safely affirm all that is stated in the Memorial

Recommend-
ation of
petition of
military officers
for colonial
allowances.

1814.
12 Oct.

Inadequacy of
military pay
and allowances.

of the Officers of the 46th Regt. to be correct, and well founded; and happy should I be if anything, I could say or advance in support of their Claims, could contribute to procure them the relief, which they so much require in this Country; their present Pay and allowances being very inadequate to their support in a respectable decent Style in this very expensive distant Colony. I therefore take the liberty to express my hope that His Royal Highness, The Comr. in Chief, will be graciously pleased to take the Case of the Officers, serving in this Country, into his indulgent Consideration, and move His Royal Highness, The Prince Regent, to be graciously pleased to afford them such relief as in his Wisdom he may deem them entitled to.

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT-COLONEL MOLLE TO MAJOR-GENERAL MACQUARIE.

Sir,

Sydney, 11th October, 1814.

Transmission
of memorial.

I have the honor to transmit a Memorial, in the Name of myself and of the officers of the 46th Regt., praying for some additional allowance in this Colony, and am most respectfully to request that Your Excellency would be pleased to transmit the same for the gracious consideration of His Royal Highness The Commander in Chief.

I have, &c.,

G. MOLLE, Lt. Col. 46 Regt.

[Enclosure No. 2.]

MEMORIAL OF OFFICERS OF THE 46TH REGIMENT.

Memorial of
officers of
46th regiment
soliciting a
colonial
allowance.

Unto Field Marshal His Royal Highness Frederick, Duke of York, K.G. Commander in Chief, etc., etc.

THE Memorial of Lieuten't Col'l George Molle and of the Officers of His Majesty's 46th Regiment of Foot

Humbly Sheweth,

That Your Memorialists Embarked from England in August, 1813, for this Colony (to relieve the 73d Regiment) and arrived in February, 1814.

That Your Memorialists, since their arrival, have found considerable difficulty and embarrassment in supporting and keeping up the respectability of the Regimental Mess, as well as in defraying the other necessary expences attending their living, and in supplying those Articles of Clothing required for their Military Equipment.

The cause of this difficulty and embarrassment, Your Memorialists most humbly beg leave to explain.

In the first place, in this far distant Settlement (Yet in its Infancy) the Price of all Colonial produce is fluctuating, and

altho' the common Articles of Life (such as Butcher's meat, Poultry, etc.) may occasionally be as moderate as in England, yet in general they are much higher. Such being the Price of the common Articles of Life (the production of this Colony), Your Memorialists need not add that their weekly Messing frequently amounts to a much greater expence than in England, or perhaps in any of His Majesty's Dominions Abroad.

In regard to other Articles usually required for the Table, such as *Oilman's Stores*, etc. Your Memorialists have to add that the purchase of them is almost above their means, as all *European imports* of every discription are sold at (never less and frequently more than) 100 p. Cent.

In the second place, the same fact holds good with respect to every Article of Clothing or Military Equipment, Scarlet Cloth being never under *Five Guineas p. Yard*, and every other Article equally dear in proportion.

Your Memorialists are aware that It may be asked why they did not provide and bring out with them a sufficient Stock of every thing necessary for the Regimental Mess, as well as for their own private use and personal habiliment, for a length of time? To this, they humbly beg leave to reply that they did so as far as *their means would permit*, and the *Tonnage, allowed them* by the *Transport Board, accommodate*; and, altho' additional supplies have been ordered, yet, from the unavoidable delay attending the Transmission of Articles from England to this Colony, they find themselves (at present) at the mercy of the Merchants here for every thing they may want, and whose Price, as already Stated, is never less than 100 p. Cent.

Your Memorialists have presumed thus far to detain Your Royal Highness in Stating the preceding facts, they, with the greatest deference, beg leave to add that no Ration of Wine or Spirits is issued to the Troops in this Colony. The liberal allowance of Wine money granted to Regimental Messes at home, Your Royal Highness is aware does not extend to *Foreign Stations*, and Your Memorialists are constrained to add that, as no Wine is produced in the Colony, the purchase of European or other Wines is attended with so *enormous an expence*, as almost to deprive them of so beneficial an indulgence (even in a moderate degree) in a Climate, where *such indulgence* is Salutary and *requisite*.

It is not the Wish or intention of Your Memorialists to convey to Your Royal Highness's mind, that they have any considerable grievances to complain of, but they conceive that they labor under some hardships and privations, which were not felt by their predecessors, and it is consistent with the knowledge of His

1814.
12 Oct.

Memorial of
officers of
46th regiment
soliciting a
colonial
allowance.

1814.
12 Oct.

Memorial of
officers of
46th regiment
soliciting a
colonial
allowance.

Excellency Major General Macquarie, Command'r of the Forces, that the *late Orders*, received from His Majesty's Ministers, taking away Convicts, Servants, a privilege *hitherto enjoyed* by the Military in this Colony, has rendered the situation of Your Memorialists subject to *additional expences*, which the Corps preceding them were not exposed to.

Your Memorialists further humbly beg leave to refer to Your Royal Highness's gracious perusal that Paragraph of the Report of the *Select Committee* of the *House of Commons* on *Transportation*, 10th July, 1812, Page 5th, where it is said, "But it does not appear to Your Committee that the Military Officer is in New South Wales exposed to such hardships, or obliged to incur such expence, as to entitle him to *benefits not generally bestowed* upon Officers of the British Army."

Your Memorialists do not *ask* for *more*; and they therefore most profoundly approach Your Royal Highness with this Memorial, the humble Prayer of which is that Your Royal Highness would be most graciously pleased to move His Majesty's Ministers to make such additional Provision, either as Colonial allowance, or otherwise, to the Officers of the Regiment Serving in New South Wales, as may *put them upon a par with their Brother Officers serving in Ceylon, or in any of His Majesty's Dominions to the Eastward of the Cape of Good Hope.*

All which is most humbly and respectfully Submitted.

G. MOLLE,

Lt. Col. Comm'g H.M. 46th Regt. of Foot.
Sydney, New South Wales, 11th October, 1814.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 34, per ship Francis and Eliza.)

20 Oct.

Sir,

Downing Street, 20th Oct., 1814.

Recommend-
ation of
Major West
for vacancy as
assistant-
surgeon and for
land grant in
Tasmania.

Having received a very favorable Report of the Character and professional Abilities of Mr. Major West, who proceeds to New South Wales as Surgeon of the Convict Ship *Frances Eliza*, and who is desirous of settling in the Colony, I am to desire that, in the Event of a vacancy occurring in the Medical Establishment at Van Diemen's Land, you should appoint him to act as an Assistant Surgeon in these Settlements, and that in the mean time you do instruct Lieut. Governor Davie to give Mr. West a Grant of land, and the usual privileges allowed to free Settlers, either at Hobartston or Port Dalrymple, according to the place where he may be inclined to establish himself.

I have, &c.,

BATHURST.

MR. ADAM GORDON TO GOVERNOR MACQUARIE.

1814.
9 Nov.

(Despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 9th Nov., 1814.

In the absence of the under Secretary of State, I am directed by Earl Bathurst to transmit to you the Copy of a Letter, addressed to this Department by command of the Lords Commissioners of the Treasury, observing upon the heavy Expenditure of the Out Settlements on Van Diemen's Land for the Year 1807 and 1808. And his Lordship further commands me to call your particular attention to this subject, and to request you will transmit any information or Suggestions you can furnish thereupon, in order that the same may be communicated to the Treasury.

Expenditure
on settlements
in Tasmania in
1807 and 1808.

I have, &c.,

ADAM GORDON.

[Enclosure.]

SECRETARY LUSHINGTON TO MAJOR-GENERAL BUNBURY.

Sir, Treasury Chambers, 8th Novem'r, 1814.

Having laid before the Lords Commissioners of His Majesty's Treasury the Auditors' Statement of the Account of Leonard Fosbrook, Esqr., as Deputy Commissary in Van Diemen's Land, from 1st Jany. to 31st Decr., 1807, and from 1st Jany. to 31st Dec'r, 1808, I have it in command from their Lordships to acquaint you for the information of Lord Bathurst, that the Comm'rs for Audit observe that the Expenditure of the Accountant, as Deputy Comm'y in Van Diemen's Land for the year, 1807, is more than double the amount of his Expenditure for the preceding year, and that the expences for the year 1808, as well as those for the year 1807, appear to them to be very large, and I am to desire you will move his Lordship to give such instructions to the Governor of that Colony on the Subject, as his Lordship may deem expedient.

Expenditure
in Tasmania
under deputy-
commissary
Fosbrook.

I am, &c.,

S. R. LUSHINGTON.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 17th Novemr., 1814.

17 Nov.

I transmit to you, for your Information and Guidance, the Copy of an Act, passed in the last Session of Parliament, to Amend the Act of the 22nd year of His Present Majesty, relating

Statute
relating to
patent offices.

1814.
17 Nov.

Statute
relating to
patent offices.

to Patent Offices; And I am to desire that you will not fail to cause strict attention to be paid within your Government to the Provisions thereof.

I have, &c.,

BATHURST.

[Enclosure.]

[*This was a copy of the statute 54 George III, cap. LXI.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 17 of 1814," per ship General Browne; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

30 Nov.

My Lord,

30th November, 1814.

Opposition of
justice Bent
to location of
court-house.

1. Having some Reason to think that Mr. Jeffrey Hart Bent, the lately Appointed Judge Of our New Supreme Court of Civil Jurisdiction, has made a Representation to Your Lordship on the Subject of the Arrangement* I have made for a temporary Court House in the New General Hospital, and as the Suggestions and Remarks, made by that Gentleman on the Occasion of my informing him of that Arrangement, Appeared to me, Not only Very Selfish, but also extremely Unreasonable, I feel it a Duty owing to Your Lordship and to Myself to lay the Circumstances of the Case before Your Lordship, in Order to Guard Against any Impressions, which incorrect or disingenuous Representations might make to the Prejudice of My Conduct.

Arrangements
made for
court-house
and judge's
chambers.

2. In the 12th Paragraph of a former Dispatch, under date the 7th October last, I had the Honor to inform Your Lordship that I had then given Directions for two of the largest Wards in the General Hospital to be finished off and fitted up with all Dispatch for a temporary Court House, and that I had Also Acceded to Mr. Bent's Request in Giving him Up, under the denomination of *Chambers*, two excellent Rooms in the Barracks, Originally destined for the Principal Surgeon. This Arrangement was on so large a Scale that I did Conceive it Would Not only have most fully answered every public Object of a Court House, but that it would Also have been Considered a Most liberal One for the personal Accomodation of the Judge.

Inspection
of proposed
court rooms.

3. A few days after the Date of the Dispatch above alluded to, I requested Mr. Bent and his Brother, Mr. Ellis Bent, our Judge Advocate, to accompany Me to the General Hospital, to View and examine the Apartments I had assigned for the Accommodation of their respective Courts, and for their personal Convenience and Comfort, and to receive from them such Suggestions, as they Might please to Make, as to Alterations or Improvements in the general Arrangement of the Whole. On this Occasion, and to

* Note 87.

My Very Great Surprize and Astonishment, both these Gentlemen expressed themselves Much dissatisfied with the Rooms, which Were then fitting up, giving as a Reason that they were Situated too Near the Apartments,* which may be hereafter Occupied by the Sick. When I inform Your Lordship that *these Rooms* are Separated from those destined for the Sick by a Very thick Stone Wall, running from the Bottom to the Top of the Whole Building, and that the Entrances to the temporary Courts and those to the Hospital Wards are not only distinct, but also removed to a Considerable distance from each other, I trust Your Lordship Will Consider the Objection Not only frivolous, but also More Calculated to Give a Vexatious Opposition than to produce any good Effect Whatever. In Case an Infectious Distemper should Visit this place, it Would Certainly be improper in the highest Degree to Assemble Courts of Justice any Where in the Neighbourhood of the place Where it raged; but providentially this Country has been heretofore exempt from All such Visitations,† and the Nature of the Climate is such, as to give every Rational Expectation for its Continuing so; but, Were it even otherwise, the Danger Could not be greater, nor even so Great, as Must Arise from the Neighbourhood of Disease in close Confined Huts. Instead of Accepting the offered Accommodations in the Spirit of Good Will, in Which I had designed them, these Gentlemen Made a peremptory Demand for the Whole of the Building‡ intended for the several purposes of a Residence for the Principal Surgeon, a Dispensary, a Store Room, and an Anatomy Room, which they Affected to Consider, in Consequence of their being detached a few Yards from the Main Building of the Hospital, as better Calculated for the purposes of Courts of Justice than those I had previously Assigned.

4. This Alteration, involving in it a Most Unfair and illiberal Usurpation of the Accommodations designed for the Principal Surgeon, and for so Many other purposes, I felt it my Duty not to Accede to; but in order the more fully to Convince these Gentlemen that it was my anxious Desire to meet their Wishes in every reasonable Point, I made them the Offer of *four Complete Wards* of the Hospital, Comprizing one half of that entire Building, and those Rooms are now in preparation for the Sitting of the Courts early in January next. Each of these Rooms is Sixty feet long by 24 feet wide, those on the Ground floor, Which are destined for the Courts, are each Sixteen feet high; and the two Wards or Rooms above them are fourteen feet high, and in each Room both above and below there are Eight Windows; All which, as already Stated, are Cut off from the other half of the Building by a thick Stone Wall; between

1814.
30 Nov.

Objections of
judge and
judge-advocate
to proposed
court rooms.

Possibility
of epidemics
in the colony.

Demand of
judge and
judge-advocate
for surgeon's
barracks.

Macquarie's
refusal of
the demand.

Four wards to
be allocated
for court rooms.

* Note 59.

† Note 88.

‡ Note 89.

1814.
30 Nov.

Advantages
of the new
proposal.

the Apartments, assigned for the Courts, there is a Spacious Hall of 18 feet Wide and 24 feet deep, and the Rooms Above Stairs are Separated by a Lobby of the Same Size as the Hall. For Elegance, Size, Air, and General Accommodation, these Apartments fully equal any I have Yet Seen in any of His Majesty's foreign Dominions, and I believe are rarely excelled at home by Buildings Specially Assigned to the purpose of Sessions or Court Houses. Whilst on the other Hand, the Buildings, Which the Messrs. Bent have been so solicitous about procuring, are Very ill Calculated for the Accommodation of the Public, or for any of the purposes of a Court House, the Apartments being on the Moderate Scale Suited for a private Residence, and totally Inadequate in Size to the Object in View, being less than one half of the Size of those I have determined on.

Probable
motives of
justice Bent's
request.

5. As it is impossible to Assign the Motives of these Gentlemen, in desiring to possess the detached Quarters of the Principal Surgeon, instead of the More Spacious and dignified Apartments in the Main Building, to any Sense of the public Accommodation, I Cannot hesitate to State that this Choice evidently Arises from the Circumstance of the detached Quarters possessing a Variety of private personal Accommodation, suitable to a Gentleman's Residence, such as a Kitchen, a Stable, a Coach House, etc., and that Mr. Jeffery Bent, in Aiming at the Possession of them, has merely in View his own private Convenience, without Consulting in the Slightest Degree either the Accommodation of the Public or the feelings of a respectable Officer, Whose Apartments he Wishes thus to possess himself of. I am Most fully Convinced that the personal Accommodation, Which Mr. Bent would thus Obtain the possession of, has been his Sole Motive for Urging it, as he was totally unable to defend the Choice by any Argument to shew that the Apartments were even as Well, and Still Much less that they Were better, Calculated for the public Service than those I had Assigned.

Claims of the
principal
surgeon to the
new barracks.

6. Under these Impressions I should have felt myself doing an Act of Very Great Injustice to the Principal Surgeon, had I yielded to so Very illiberal and Unfair a Request as that made by Mr. Justice Bent. Indeed the detached Barrack in Question having been expressly built for the Residence of the Principal Surgeon, and for the other Special purposes Connected with that Department, which I have Already enumerated, and the Necessity for his being Quartered near to the Sick being so Obvious, I cannot avoid repeating my Surprize at the Injustice and gross Indelicacy of the Attempt to deprive him of them. If any thing Could heighten the Unreasonableness of this Request, it Would

be the Consideration that the Principal Surgeon, Who has always been Entitled to a Residence, at present Inhabits a House in Such a Wretched State of Decay, as to be Unsafe to reside in, and his New Residence has been in Consequence preparing for his Reception in Order to his Going into it as Speedily as possible.

1814.
30 Nov.

The residence
of the principal
surgeon.

7. I have troubled Your Lordship With a More Minute Recital of All the Circumstances of this Case, than it may appear to merit; but I trust Your Lordship will be thereby Guarded against any Insinuations that may be Made to the Prejudice of My Motives, and against Representations dictated either by Disappointment or A Wish to Mislead.

8. Having Always Studied to be on friendly Terms with the Officers at the Head of Departments Under this Government, and having particularly Studied to Cultivate the most friendly Understanding with Mr. Judge Advocate Bent, and Shewn also to the Utmost of my power the same Disposition in regard to his Brother, Mr. Justice Bent, since his Arrival, I feel the More distressed at Conveying to your Lordship any Sentiments tending to Imply a Disposition on the part of those Gentlemen to give an Unnecessary Opposition to my Measures; but I trust the Circumstances, Which I have now brought to Your Lordship's View, will sufficiently justify the Terms, in which I have Conveyed My Sentiments of them.

Macquarie's
disposition
towards
judge and
judge-advocate.

Diffidence
in making
adverse reports.

9. I have had it in my Power, and I have frequently availed Myself of that Power, to render Mr. Ellis Bent, and his family, not only Marked Attention and Civilities, but also Important Services. I am sorry to add that I have Not in any Instance Met from him the Slightest Disposition to return the Offices of Civility, and even less have I Experienced from him any Sense of Gratitude or Acknowledgement for the Services I have rendered him.

Intercourse
between
Macquarie and
Ellis Bent.

I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 35, per ship Hebe.)

Sir,

Downing Street, 6th Dec., 1814.

6 Dec.

The Bearer of this Letter is Mr. Chippendale from Liverpool, who proceeds at his own expence to join his Relations in the Colony of New South Wales, and at his request I make you acquainted with these circumstances, in order to satisfy you that his intention has been communicated to this Department, and that His Majesty's Government have no objection thereto.

Permission for
Chippendale
to reside in
the colony.

I have, &c.,

BATHURST.

1814.
7 Dec.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton.)

Recommend-
ation of
Andrew White
as a settler.

Sir,

Downing Street, 7th Dec., 1814.

Earl Bathurst having given permission to Mr. Andrew White to proceed as a Settler to New South Wales, I am directed by his Lordship to acquaint you that he will embark in the Northampton, and to desire that you will grant him an allotment of land, in proportion to his Capital, with the other Encouragements allowed to Settlers of the same Class.

I have, &c.,

H. E. BUNBURY.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

8 Dec.

Reference to
Macquarie of
Brest's request
for land grant.

Sir,

Downing Street, 8 Dec., 1814.

I am directed by Lord Bathurst to transmit to you a Copy of the Case of Wm. Brest, who is now residing at Van Diemen's Land, praying for a Grant of Land in that Colony. This case has been attested by Lord Henry Fitzgerald, and I am to acquaint you that should you upon Enquiry find the Person in question to be the Character he describes himself, you are authorized to instruct Lt. Governor Davey to make him a Grant of as much land as you may consider he merits.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

STATEMENT RELATING TO WILLIAM BREST.

Statement
relating to
William Brest.

THE Case of William Brest, humbly presented to the Honble. the Secretary of State for the Colonial Department, praying for a Grant of Land in Hobartown new South Wales; the said William Brest is of respectable parents, and well educated, aged about Twenty eight; was some time on board Lord Nelson's Ship the Victory, as his own Cook, and Volunteer'd his Services on a dangerous Expedition in an open boat one night, on which occasion he was wounded, and by the Surgeon's Certificate is a Pensioner at Greenwich for life; he left Lord Nelson's Service through Illness, and was confined with the yellow fever at Gibraltar, which, when he recovered, he returned to England to his Father, and in May, 1807, he left England again with a Gentleman with letters of recommendation, meaning to settle at the Cape, as Clerk to a Factory; but, not settling himself as he wished, left the Cape in Sept., 1807, and, meeting with much ill treatment from the person he went with, left him and remained at Hoberstown, and is now in the employ of Francis Williams,

Esqre., who confides the management of all his concerns to him. Since he left England, his Father Died, and left him an equal Share of his Property with the other Children; his Share is at present £300, and, at the Death of the Widow, he will have £300 more; he has sent over a Power of Attorney to Messrs. Morlands, Pall Mall, to have his Share remitted to him; his Family are well known to the Right Honble. Lord Henry Fitzgerald.

1814.
8 Dec.

Statement
relating to
William Brest.

[Enclosure No. 2.]

STATEMENT BY LORD HENRY FITZGERALD.

I WITH great pleasure can attest that I know the Family of William Brest on the Father and Mother's Side; that it is highly respectable, and in every Way deserving of Countenance and Encouragement.

Testimony by
Lord Henry
Fitzgerald.

HENRY FITZGERALD.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 9th Dec., 1814.

9 Dec.

I am directed by Earl Bathurst to transmit to you, for your information, a list of Women, the Wives of Convicts, already in the Colony, who have received his Lordship's permission, at the recommendation of Viscount Sidmouth, to join their husbands, And to desire that, if any of the latter are at Van Diemen's Land, their families may be conveyed thither.

List of
convicts' wives.

I have, &c.,

H. E. BUNBURY.

[Enclosure.]

[*This list contained the names of thirty-five women.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch No. 18, per ship General Browne, *via* Ceylon.)

Government House, Sydney, N. S. Wales,

My Lord, 12th December, 1814.

12 Dec.

Having done Myself the Honor to address Your Lordship at Considerable Length, so very lately as the 16 of October last, by the direct Opportunity of the Ship, Seringapatam, I have now but little to add to the Dispatches, I then forwarded, and Avail myself of the present Opportunity (the Ship General Browne, *via* Ceylon and India) Chiefly for the purpose of forwarding the Duplicates of those Dispatches.

Transmission
of duplicates
of despatches.

1814.
12 Dec.

Detachment of
73rd regiment
to embark
on ship
General Browne.

The Indian Ship, Genl. Browne, having lately Arrived here with Merchandize, and being About to return to Bengal without a Cargo, I have had a favorable Opportunity to engage her on very reasonable Terms for the purpose of Conveying part of the Detachment of the 73d Regt., still remaining here, to Ceylon, for which purpose her Build and Construction render her particularly Well Calculated.

Chartering
of the ship
General Browne.

This Vessel is accordingly Chartered, for the Sum of £1,300 Sterling, to Convey as many Troops, as She Can with Convenience Accommodate. The Sundry Articles of Provisions, Water Casks, Water, Bedding, Cooking Utensils, etc., being All provided by this Government, She is enabled to take 132 Men, in Officers and Soldiers, 30 Women, and 58 Children, Which large Number renders the Freight More Moderate than Could be well expected. In payment of this Sum, I have Authorized the Deputy Comm'y General to Draw Bills on the Lords Commissioners of the Treasury.

Detachment of
73rd regiment
to remain.

After this Embarkation there will still remain for some future Conveyance 54 Men, Officers and Soldiers, 28 Women, and 70 Children of the 73d Regt., Whom I shall embark by the earliest Opportunity that may offer.

Exorbitant
terms demanded
for the
Somersetshire.

I had expected to Embark the entire Detachment at once on board the Male Convict Transport Ship, Somersetshire, which left this Harbor a few days ago; but the Terms demanded for her Services were so exorbitant that I did not feel myself Warranted in Acceding to them.

Importation
of wheat
from Bengal.

On the 22d of October, the Ship Betsey, of Calcutta, Arrived here bringing a Very Seasonable Supply of 250 tons of Wheat for this Government, which the Deficiency of last Year's Harvest had Induced me to order from Bengal. It proves of Very good Quality, and Will do away every Risk of Scarcity, Until the present Harvest Shall be Secured; the Necessity for this Supply I have had the Honor to Inform Your Lordship of in a former Dispatch. The Amount, £4,082 8s. 11½d., has been drawn for by My Authority by the Deputy Comm'y General on the Treasury.

General
condition of
the colony.

It is with Much pleasure I have to Inform Your Lordship that the Colony Continues in a State of perfect Tranquility and progressive Improvement.

Break-up of
the drought.

The Unusual Continuance of dry Weather, which We have experienced here, has finally given way to some very seasonable falls of Rain, and thereby the Harvest, which was but a Short time ago in a Very Unpromising State, now gives a fair prospect

of being a tolerably Abundant one, and the Pasturage is so far recovered that the Herds and Flocks are rapidly improving in their Condition.

1814.
12 Dec.

With Sentiments of high Respect, I have, &c.,
L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 36, per ship Baring.)

Sir, Downing Street, 15th Dec., 1814.

15 Dec.

The Prayer Book and Homily Society having stated to me their wish to send out to New South Wales a number of Prayer Books for the Use of the Inhabitants of the Colony, many of whom are represented to be unprovided with Books of this kind, And being desirous to promote the wishes of the Society, as far as may be possible, I am to acquaint you that directions have been given for the reception of the Packages, containing these Books, in the first Ship proceeding to the Colony, addressed to you; And I am to request that you would take under your own Direction the disposal and distribution of the Books, now forwarded, at such prices as may be fixed by the Society; And it being their object that all the Inhabitants of the Settlement, who are destitute of these Books, should be supplied with them, I am to recommend this subject to your attention in order that you may report any measures by which the Views of the Society may be best promoted.

Shipment of
prayer books
for use in
the colony.

I have, &c.,

BATHURST.

THE TRANSPORT COMMISSIONERS TO GOVERNOR MACQUARIE.

15th December, 1814.

[*The original of this despatch is not available. A copy was enclosed in Earl Bathurst's despatch, numbered 62 and dated 1st April, 1816.*]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 37, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 30 Jan., 1815.

1815.
30 Jan.

The Royal College of Surgeons being anxious to procure from New So. Wales specimens of The Female Ornithierinici* and the female organs of the Kangaroo in different Stages of Impregnation, in order to complete the History of these two extraordinary Animals, I am to desire that you will furnish from the Government Stores to the Person, charged with procuring these Specimens, such quantity of Rum or other Spirits, as may be necessary for sending them home in a proper state of Preservation.

Natural history
specimens to be
sent to England.

I have, &c.,

BATHURST.

* Note 90.

1815.
31 Jan.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 38, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 31 January, 1815.

Case of William
Gaudry to be
considered.

I transmit to you herewith the Copy of a letter from the Home Department, inclosing a Representation in Behalf of Mr. Wm. Gaudry, who is stated to have resided in New So. Wales from the year 1807. As you must have a Knowledge of his Character, you will be best able to judge how far he may be deserving of the indulgences solicited in his Behalf.

I have, &c.,

BATHURST.

[Enclosure.]

[*A copy of this letter is not available.*]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 39, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 31 January, 1815.

Recommend-
ation of
David Linley.

I transmit to you herewith the Copy of a letter from the Home Department, stating the Applications, which have been received, in favour of David Linley, in consequence of which Lord Sidmouth has been induced to recommend his Case to favourable Consideration.

You will perceive by the Communication referred to that it is by no means intended the remission of Punishment, therein mentioned, should be granted, unless the measure should be entirely approved by you; you will therefore exercise your discretion in that respect.

I have, &c.,

BATHURST.

[Enclosure.]

LORD SIDMOUTH TO EARL BATHURST.

My Lord,

Whitehall, 24th November, 1814.

Proposed free
pardon for
David Linley.

Application having been made to me in favor of David Linley, who was convicted of a Capital Felony at York in March, 1810, and who was conveyed to New South Wales in the Ship Admiral Gambier, I have to request that your Lordship will communicate to the Governor of that Colony that, under the circumstances which have been reported to me on behalf of Linley, I feel disposed to recommend that the Prisoner should receive a free pardon; but, in making this recommendation, I beg that it may be expressly notified to the Governor that it is not intended, by this recommendation, to bias him in his decision upon the propriety of granting such Pardon, but that it is left entirely to him to judge whether, consistently with his Regulations which he may have adopted in that Colony, he ought to allow the Prisoner in question to return to this Country.

I am, &c.,

SIDMOUTH.

SECRETARY BARROW TO GOVERNOR MACQUARIE.

(Despatch per ship Baring.)

1815.
24 Feb.

Sir, Admiralty Office, 24th February, 1815.

I have received and Communicated to My Lords Commissioners of the Admiralty your Letter of the 7th of October last and its enclosures relative to the recapture of the Seringapatam, South Sea Whaler.

I am, &c.,

JOHN BARROW.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 1 of 1815." per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Sydney, New South Wales, 24th February, 1815.

1. To trespass on Your Lordship's Valuable Time with a personal Complaint against any Officer under My Government is a Duty, which I should at all times enter Upon with much Reluctance; but when, as in the present Instance, Obligated to Animadvert on the Conduct of an Officer of High Rank, and with whom I had been on Terms of good Understanding and Friendship, it is a Duty I perform with sincere and painful Regret, and were it not that the paramount Feeling of it being due to the General Welfare of the Colony, which I Conceive to be deeply Implicated on the present Occasion, and Also to My own Honor and Authority, I should be Most happy in declining the Task of Submitting Certain Circumstances in the Conduct of Mr. Ellis Bent, the Judge Advocate of this Territory, to Your Lordship's Serious Consideration.

Macquarie's diffidence in making an adverse report on conduct of Ellis Bent.

2. Previous to entering upon the Detail of the Circumstances in the Conduct of Mr. Bent, which I purpose to animadvert on, I Conceive it may not be Amis, in Order to Mark the Spirit of Good Will, which I had entertained towards this Gentleman, to State to Your Lordship that, antecedent to the Measures I have now to Complain of, I had repeatedly served him in weighty and important Matters, as will appear from the Cases I shall now enumerate, but which should have Continued Unnoticed by Me had not the Urgency of the present Occasion Seemed to require their being dwelt on.

Macquarie's personal attentions to Ellis Bent.

3. Mr. Bent and his Family left England, and Arrived here, in the Same Ship with me (His Majesty's Ship Dromedary) on the 28th of December, 1809; and the familiar and friendly Inter-
courses, which then Commenced between Us and our respective families, were prolonged without any Material Interruption until the 16th of December, 1813; during the whole Course of which Period, I Continued to extend to him and his family every Good Office, Civility and Attention within my power. As a Mark of My Attention to his Comfort and Welfare, I Conferred on

Intercourse with Ellis Bent.

1815.
24 Feb.

Land granted
to Bent.

him, soon after our Arrival here, a very liberal and favorably Circumstanced Grant* of 1,200 Acres of Land, Accompanied by a proportionate Number of Government Servants and Horned Cattle. Some time Afterwards, on his having an Increase to his family, I was Induced to Give him a further Grant of 800 Acres adjoining the former for the Ultimate Benefit of his two Infant Sons.

Proposed
residence for
Ellis Bent.

4. The Dwelling House and Offices, Assigned to the former Judge Advocates, having become Much decayed, and being in other respects inadequate to the Reception of a genteel Family, I willingly availed Myself of these Circumstances in order to the rendering Mr. Bent's own Situation and that of his family as Comfortable and respectable as possible, by determining to build him a New Dwelling House with more suitable Accommodations, and an Office for the Assembling of the Civil and Criminal Courts. Before I was enabled to employ the Government Mechanics on these Buildings, Mr. Bent made a proposal to me to Contract in his own person for the Erecting of them for the purpose, as he then Stated, of being thereby enabled to plan and execute them more effectually according to his own Ideas of Taste and Convenience. His Plan of the Buildings and the Terms on which he offered to execute them Appearing reasonable, I willingly acceded to them on the part of Government. These Terms were One thousand Gallons of Spirits and Three Hundred Pounds Sterling. After proceeding for some time in his Contract, Mr. Bent found that the Sum, for which he had Stipulated, was inadequate to the Completing the proposed Buildings, and in Consequence of his representing in Strong Terms that this was the Case, I extended him a further Sum of £550 in Money and 200 Gallons of Spirits to enable him to finish them agreeably to his Original Plan. To form an Estimate of the Expence of these Buildings, thus partly paid for in Spirits, it is Necessary to Observe to Your Lordship that the Market price of Spirits at that time was 35s. per Gallon (tho' these Spirits were paid by Mr. Bent to the Workmen at a much higher rate), at which price the whole of Mr. Bent's Buildings amounted to £2,950 Sterlg., independent of the Value of the Materials of the Old House and Offices, and of Various Articles, which he received either *Gratis* or at a very reduced price from the Government Stores. In June, 1812, Mr. Bent Completed these Buildings, and on that Occasion I received a very polite Note from him expressive of his Obligation to me for the Extension I had made to the Terms of his Contract; and it was then perfectly understood by him and every person in the Colony that the New public Office, which he had himself built on a Much larger and more Commodious Scale than the former one, was to serve as a temporary Court House for the Assembling of the Courts, until such time as a Still larger

Bent to erect
buildings by
contract.

Terms of
contract.

Cost of Bent's
buildings.

* Note 91.

and more suitable one should be Erected for the future Sittings of the Courts on a permanent and respectable Establishment. It was about this time that I signified to Bent that, if I should Obtain the permission of His Majesty's Ministers, it was my Intention to Erect at the Expence of Government a good and respectable Court House and Town Hall under the Same Roof, to be Commenced when the New Stores and Granaries, Military Hospital, and Barracks for the Troops, with the Surrounding Stone Wall (which was then in progress, and of the first Consequence to get finished), Should be finally Completed. With this Communication Mr. Bent appeared (as indeed he had good Reason to be) fully satisfied. Having, however, Grounds to expect that the Proceedings in our Courts of Justice would be soon New Modelled, and that this Charge would probably take place previous to my being enabled to Spare the Government Artificers from the more important and essentially Necessary public Works already alluded to, I suggested the Idea to Mr. Bent and the other principal Gentlemen of the Colony of Setting a Subscription on foot among themselves for the Building a Court House and Town Hall. This proposition being agreed to, a General Meeting of the Magistrates of the Colony took place in July, 1813, for the purpose of Entering into Subscriptions, and taking into Consideration the best Means for Carrying the Measure into Effect. On the part of Government, I subscribed from the Colonial Funds the Sum of £500, and at the same time from my own private Funds the Sum of £60 Sterl'g. The Subscriptions, however, falling very far Short either of what was Expected, or what the Estimate which had been made of the Expence demanded, the Whole Plan of building by Subscription was Abandoned in the following Month of November. Altho' I was not then Aware of it, I had afterwards good Reason to believe that Mr. Bent took the Liberty to express himself in a very passionate and unbecoming Manner at my Not withdrawing the Artificers and Labourers from the Several important works then in progress, and putting them to work immediately and exclusively on the Building a New Court House; and from this Period he Ceased to Visit me in his Usual familiar Way, and, when I had Occasion to Send for him on public Business, he Assumed a very Marked Degree of Coolness and Reserve in his Manner. On One of these Occasions, feeling Conscious that I had not intentionally Offered him any Offence, I was induced to Ask him from whence proceeded that Coolness of Manner, which he had of late adopted towards me; and it was then to My utter Surprise and Astonishment that he told me, for the first time, the Cause of his Reserve and Dissatisfaction, Observing that he

1815.
24 Feb.

Proposed
erection of a
court-house and
town hall.

Subscription
list opened
for erection
of court-house.

Bent's criticism
of public works
policy.

Offence taken
by Bent at
Macquarie's
action.

1815.
24 Feb.

Macquarie's
surprise at
Bent's illiberal
action.

Residence and
offices provided
for Bent.

Injustice
of Bent's
complaints.

Bent's refusal
of friendly
intercourse
with Macquarie.

had great Reason to be Offended and hurt at my Conduct towards him, as "*I had Shewn a great Want of feeling for his Situation and personal Comfort, as Judge Advocate, in Not Sooner having a suitable and Comfortable Court House Erected at Sydney for his Accommodation.*" This Accusation being not less unjust than it was harsh and disrespectful, I could not avoid expressing My Surprize and Astonishment at the Unreasonableness of his Expectations, and the Illiberality of his Reflections on Me. My Sentiments of Surprize at being thus Accused by Mr. Bent were not a little heightened from the Consideration of its being well known throughout the Colony that I had Uniformly, and on all Occasions, treated him and his Family with the utmost Respect, Kindness and Attention, and that, in regard to his personal Accommodation, I had provided him a Dwelling House with public and private Offices (according to his Own Plan and Arrangement), far Superior to those possessed by myself, as the Governor of the Territory, and particularly reminding him that *the Public Office*, of which he then Complained, was not only Much larger than the former, but also fitted up for the purpose by himself. During the Course of a long Conversation, which took place at this time, I endeavoured to Convince Mr. Bent of the Unreasonableness, as well as of the Inconsistency of his Complaints, expressing at the Same time the Hope that, on Cooler Reflection, he would be Sensible that his present Ground of Complaint was unfounded, and that, in bringing it forward, he had done me Very great Injustice, and particularly so at that Juncture, when I was doing every thing in My power to promote his own Interest and that of his family. My Observations, I am Obligated to Add, did not produce any Effect in the way of removing the Dissatisfaction he had expressed, and he left me Seemingly Much Offended. This Conversation took place on the 16th December, 1813, and from that period Mr. Bent Ceased Altogether to Visit at Government House, and Never Appeared there except when sent for on Public Business. Hoping Still that he would become Sensible of the Impropriety of his Conduct towards me, and willing to bury it in Oblivion, I even invited him and his family to Government House as formerly, trusting that Such an Advance to Reconciliation would Not have been Rejected; but in this I was disappointed, for My Invitation was declined in A pointedly rude Manner. A Conduct so highly disrespectful to me, as Governor, of Course determined me Not to hazard future Refusals by sending Invitations to Mr. Bent and his family.

5. Subsequent to the Period I have been now Mentioning to Your Lordship, Mr. Bent has not Considered it necessary to

preserve even the External Appearance of Respect for my Rank in the Colony, and has even Evinced a Spirit of Disrespect, Insubordination and Hostility to Me, and the Measures of My Government; some Instances of which, altho' in themselves and detached from other Circumstances, might perhaps pass Unnoticed, but when Connected with the general Line of his Conduct Must Mark his Motives as Inimical to Me; And I now beg to State to Your Lordship a few Cases of the Contumely of this Gentleman.

1815.
24 Feb.

Bent's hostility
to Macquarie's
administration.

6. The Officers at the Head of Public Departments having been in the Habit of going frequently into the Country to their Farms, or in pursuit of Amusement, and Spending several days there, to the Neglect of their public Duties at Head Quarters, without Obtaining any regular Permission for so doing, I found it Incumbent on Me for the Benefit of the public Service to Check the practice by Issuing a Government and General Order on the 9th November, 1813, prohibiting Officers in the Several Departments from so Absenting themselves in future without having first Obtained my Sanction. A Copy of the Order issued on that Occasion will Accompany the present Communication for Your Lordship's Perusal. This Order had the desired Effect with every Officer in the Colony with the single Exception of Mr. Ellis Bent, who paid no Attention whatever to it. On my remonstrating with him on this very marked Disrespect for My Orders, He presumed to tell me in plain Terms that "He did not Consider himself bound to Obey any such Order," adding, at the same time, "that he was not Subject to Military Discipline."

Orders issued re
absence of
officers from
public duty.

Bent's refusal
to obey orders.

7. Another Instance, tho' trivial when Considered by itself, I beg to State to Your Lordship as a public Mark of Mr. Bent's Disposition to treat Me personally with Disrespect. From the first Establishment of this Colony, it has been the Custom for the Whole Congregation to Stand up in Church on Sundays on the Entrance of the Governor in Chief, as the Representative of Majesty, and, in Compliance with this long established Usage, every person except Mr. Bent pays that Deference to me; but this Gentleman has latterly declined doing so.

Bent's disrespect
to governor-
in-chief.

8. In the Grants of Land, which I have made in this Country, I have had Certain Conditions Inserted, respecting the Clearing and improving of the Lands so granted, which are required to be performed before the Grantees Can Sell or Alienate them. Mr. Bent, an Officer at the Head of the Law Department, and from whom a ready Compliance with such Conditions might have been reasonably Expected, has lately thought proper to Sell the Lands, I had granted to him, without even paying Me the

Improper sale
of land grants
by Bent.

1815.
24 Feb.

Compliment of Asking My Permission; and he has even proceeded so much further as to Sell Also the Grant, which I had made to him for the Benefit of his two Sons, Altho' he had not even got the Deed of Grant from the Office.

Bent's refusal
to preside at
the bench of
magistrates.

9. From the earliest Establishment of this Colony, it has been the invariable Custom for the Judge Advocate to preside (when his Health permitted) at the Bench of Magistrates at Sydney, and Mr. Bent Continued to do so from the time of his Arrival until the 31st of December last, when to my very great Surprize he announced to the Bench that he found it Necessary to decline Meeting them any more, or presiding at the Bench. The first Intimation, I had of this Measure, was from reading a Declaration to that Effect, which Mr. Bent had himself Inserted in the Bench Book,* and, the proceedings of the Magistrates being Submitted to Me as Governor, I there learned the Determination he had taken. I transmit Your Lordship herewith a Copy of the Declaration Inserted by Mr. Bent in the Bench Book. His Secession in this Abrupt Manner from the Bench of Magistrates, and without any previous Intimation to Me, was so highly improper and disrespectful, that I Could not Consider it as done from any other Motive than a Contempt of My Authority. In Consequence of viewing it in this Light, I remonstrated with him on the procedure; but he merely Observed that he Considered it as entirely Optional with himself to preside or Not at the Bench of Magistrates, and that he found it inconvenient to do so any longer.

10. The Instances, I have now Stated to Your Lordship of Mr. Bent's disrespectful Conduct towards Me personally, and of his Opposition to My public Measures, as Governor, may however be Considered of Minor Importance, when placed in the Scale with those of more recent date, which I now beg leave to Submit to your Lordship's Serious Consideration.

Revision of port
regulations.

11. Finding that the Port Regulations, which I had framed and published on the 1st October, 1810, and which have been Acted upon ever since, were deficient in many respects, and having it in View at All times to open this Port for the Reception of Spirits and every other Sort of Merchandize from the British Dominions, and All Countries at Amity with Great Britain, so soon as the Contract for the General Hospital Should Expire, I determined on revising and New Modelling the present inadequate Regulations by Adding Such New Rules or Regulations as the Experience, I had Obtained in Course of four Years in this Government, Should point out as Essentially necessary. For this purpose I framed a new rough Draft of Port Regulations,

1815.
24 Feb.

Draft of new
port regulations
submitted for
Bent's revision.

Delay practised
by Bent.

Observations
made by Bent on
the regulations.

Bent's refusal
to frame
regulations
from draft.

Nearly on the Same Principle, and as nearly as possible in the same Spirit, as the old ones; and, having done so, I sent for and conversed with Mr. Bent on the Subject, and requested him to revise them and put them in Appropriate technical Language, so as to render them efficacious by being strong and distinct, still however adhering to the Principle and Spirit in which the Rough Draft had been framed. Mr. Bent took my Draft on the Regulations home with him, promising to revise it, and to frame a regular Code of Port Regulations from it, as soon as he Could devote a Sufficient portion of time to that Object from his other Avocations. From the time of My putting these Regulations into his Hands Very Nearly twelve Months Elapsed before he devoted any part of his time to the Consideration of them, Altho' I frequently reminded him thro' the Medium of Mr. Piper, the Naval Officer, of My Anxiety to have them perfected. Finally, on the 31st of December last, I received a Letter from Mr. Bent, enclosing my Draft of Regulations, Conveying his Observations thereon, instead of furnishing me with a Corrected or Amended Code, Such as I Conceived I had full Reason to expect after his having kept the Original Draft so very long in his possession; this Disappointment surprized and hurt me Much, as I Could not have Supposed for an instant that After having so long a time to put these Regulations into Legal Form, He would merely furnish me with a long Criticism in the form of Observations on the Old Regulations and My New Draft, without Offering any Others in their Room as more Suitable. These Observations being only Calculated to render Nugatory as far as possible both the Old Regulations and the New Ones then proposed, I felt that I Could not possibly Admit of Such a Violent Innovation without removing All those Restrictions, which had been found Absolutely Necessary for the last twenty Seven Years, to protect the Revenue, to prevent Smuggling, and to guard against the running away of Convicts, and also against the Introduction of Persons of abandoned and infamous Characters, from the Shipping resorting to the Harbor of Sydney; and I Consequently did not Accede to his Suggestions herein. Having very Seriously perused and Considered *His Observations*, I sent for and had a long Conference with him on the Subject, in which I Endeavoured to persuade him to draw up the New Code according to the Principle and Spirit of the Draft, I had placed in his Hands. My Arguments and Solicitations were however perfectly ineffectual, as he positively refused to frame them according to the Plan I had recommended. Trusting that on Reflection Mr. Bent would think and Act more reasonably, and that he would

1815.
24 Feb.

Second
submission of
draft to Bent.

Bent's refusal
to revise the
draft.

Yield a Compliance with my Request for the Good of the Service, I addressed a Letter to him in the Afternoon of the day, on which I had personally Spoken to him, and at the Same time Enclosed him the Several papers he had returned to me, and gave him my written answers to his Several Observations, requesting once more that he would Officially revise and frame a New Code from the rough Draft of Port Regulations. A few days after this, I received an Answer from Mr. Bent, Accompanied with the several papers I had sent him; and in this Answer he has persevered in refusing to frame the Regulations in the Manner I had required. That Your Lordship may be fully acquainted with All the proceedings in this Case between Mr. Bent and Me, I do myself the Honor to transmit herewith a Copy of the Port Regulations in their present Form, of the proposed New Ones, and of our Correspondence on this Occasion, with the Several Documents therein referred to.

12. Having now, My Lord, gone thro' the Recital of those Circumstances, which I have been principally Solicitous to Inform Your Lordship of in the Conduct pursued by Mr. Bent towards Me at various times, I shall decline making any General Comments on it, only Observing that the Facts I have Stated Can be Clearly Substantiated at any time by Unquestionable Authority, and they will Speak for themselves. Possessing Your Lordship thus of the facts, I firmly rely on Your Lordship's Impartiality, Justice, and Liberality, in judging of Mr. Bent's Conduct towards me, and of Mine towards him, fully assured that Your Lordship will adjudge to each of us our just Share of Commendation or Censure according to the Merits of the Case.

Bent's treatment
of emancipists
and expirers.

13. Whilst I most Solemnly disclaim being Actuated in the most remote Degree by any principle of ill will towards Mr. Bent, or in any way disposed to render him an Injury, Yet I must Observe that he has long Acted here in a Most unaccommodating Manner in regard to Me, and to my Feelings on public Subjects; and I have felt particularly hurt by the illiberal Manner, in which he has always treated those Persons, who had at any time been Convicts, however remote the period of their Offences, and however Meritorious their Subsequent Conduct may have been. On this Subject, he has Acted from principles, which I am happy to disclaim having any participation in. He Acts as if he Conceived that no Degree of Merit, however Connected with Birth, Education, or former pursuits, should ever plead in behalf of him, who has once fallen under the Sentence of the Law, so as to restore him to any Degree of that Rank in Society, which he had formerly held. This illiberal principle he has Never deviated from, Except in a few particular Instances

1815.
24 Feb.Bent's
occasional
association with
emancipists.

Where he found his own pecuniary Interest or other personal Accommodation Concerned, and on Such Occasions he is not at all Scrupulous in Associating with those, who had been Convicts, which Conduct Shews Most Clearly that his Motives in the one Case or the other are not those Arising from a Strict Sense of Propriety.

Macquarie's
principles in his
public conduct.

14. To Enter here Upon the Praise of my own Conduct would Certainly be presumptuous; but I trust it will Not be deemed either totally irrelevant to the Occasion, or assuming too much, when I assure Your Lordship that the wish nearest to my Heart is to discharge My public Duty in every Situation with the Strictest Honor and Integrity; and I Can with Confidence declare that My best Endeavours have been uniformly and Strenuously Exerted in the Administration of this Government to produce the Welfare and Prosperity of its Inhabitants, without favor or prejudice, and to Conciliate the good will of every Class of the Community as far as I found Consistent with my public Duty. Ever Studious to Avoid Controversy, or those Subjects which might tend to produce party Spirit or Litigation of any kind, the whole of my Life, since I was fifteen Years of Age, has been altogether devoted to the public Service; and during the Course of a long Military Career for the last 38 Years, I have filled various important and Confidential Situations, both at home and Abroad; and however it may Appear like Vanity, I have the satisfaction to add that it has been my good Fortune to acquit Myself in them All with Honor and Credit. In the Course of my profession, I have successively served on the Staff under Generals the Earl of Harrington, the Earl of Cavan, Sir Robt. Abercromby, Sir David Baird and General James Stewart (Colonel of the 72d Regt.), to All of whom My Public and Private Character is well known; and Should Your Lordship be disposed to Make a Reference to All or any of these highly distinguished Officers on the Subject, I have every Reason to believe they will bear Most favorable Testimonials, both to my public and private Character and Disposition. I have Ventured to make this Allusion to my personal Service and the Estimation I am held in, by those who have had the best Opportunities of knowing me, in Order the more fully to Convince Your Lordship that I am incapable of being Actuated by any Sinister or private Motive of Enmity to Make an Unfavorable Representation of the Conduct of any Officer under my Command; and it is a Circumstance, which I feel Considerable Satisfaction from, that I am enabled to add that Mr. Ellis Bent, the present Judge Advocate of this Territory, is the only Officer, Civil or Military, Serving

Previous
services.Reasons for
making personal
statement.

1815.
24 Feb.

Approval
of actions
anticipated.

either above or under Me, with whom I have ever had any Serious Disagreements on points of Public Duty.

Consequences of
Bent's conduct.

15. When Your Lordship shall have Considered the Statement I have now made, I rely with Confidence on Your Exonnerating me from any Imputations, which may be thrown out against Me by Mr. Bent, and that you will Approve of the Principles of Moderation and Forbearance, with which I have Acted towards that Gentleman in his refractory and disrespectful Conduct to Me. I must add that the Spirit of Insubordination, Resistance to My Authority, and personal Disrespect, evinced by this Officer, which I have in part only detailed, unless promptly restrained, Appears to me fraught with the Most dangerous Consequences in a Colony so remote as this from any immediate Appeal to Superior Authority at Home. The Rank and Situation of Mr. Bent must necessarily, in the Exercise of Such Hostility and Opposition, have a degree of weight in drawing popular Odium on the Executive Power, the Example of which, being once Shewn, may be likely to spread a dangerous Contagion among All those Persons, whose Natural Disposition leads them to be discontented or dissatisfied with the Measures of Government; Numbers of whom are to be found Under all forms of Government.

Consideration of
the removal or
suspension of
Ellis Bent.

16. The Tendency of Mr. Bent's Conduct has indeed appeared to me of so Alarming a Nature, that, had it proceeded from any other Officer under My Government, I should have deemed it My indispensable Duty to have sent him Home, or at least to have suspended him from the Functions of his Office, Until the Pleasure of His Majesty's Government should have been made known to me; and, but for the Consideration that there is no other person here Capable of filling the Situation of Judge Advocate and Judge of the Civil and Criminal Courts, I should not have hesitated either to have Sent him to England or suspended him here. Had I adopted this Measure, the Judicial business of the Colony would have been totally suspended, which would have Induced such an Accumulation of it on the Re-opening of the Courts, as would have been oppressive to get thro'; and therefore of two Evils I have preferred the least, in Submitting to his Insubordination and Disrespect, until I should have an Opportunity of making an Appeal on the Subject in the present Form to Your Lordship, which I am Confident I shall not make in vain.

17. Under the full Consideration of All the Circumstances, I trust that His Royal Highness, The Prince Regent, and His Majesty's Government will approve of the Line of Conduct, which I have pursued in this Critical Juncture; and that Mr.

Bent will be Instructed and admonished to behave towards Me in future with more Respect and Deference; and that Your Lordship will define in express Terms how far Mr. Bent, by virtue of his present office, is Subject to My Orders and Control, and how far he is bound to Assist me with his legal Advice, when Called upon for that purpose.

1815.
24 Feb.

Bent's position
to be defined.

18. Permit me now to Express the ardent Hope that Your Lordship will kindly Excuse the great Length, at which I have addressed you on this Subject, and accept my Apology for Occupying so Much of your Lordship's Valuable time with it. Assuring Your Lordship that Nothing but the Natural Desire of Maintaining Unimpaired My Own Authority, and the Respect due to the high Official Situation I have the Honor to fill, should have Induced me to have thus Obtruded myself on Your Lordship's Time and Patience, and to which I have been further Impelled by a presumptuous Threat made by Mr. Bent in a very insolent Tone, during the last Conversation I had with him, that He would Complain of Me to Your Lordship, which rendered it the more necessary that I should Speedily possess Your Lordship of All the Circumstances, so as to prevent wrong Impressions being made from false Representations.

Bent to make
complaint
against
Macquarie.

19. Having in the Course of this Communication found it Necessary to Advert particularly to the proposed New Port Regulations, and for Your Lordship's Satisfaction on that Head deemed it Necessary to transmit them herewith, I now very respectfully request that Your Lordship will be pleased to take the Trouble of perusing them, and the existing ones, whereof a printed Copy is herewith Also transmitted, and that You will be pleased to Issue Instructions to One of the Crown Lawyers to frame a regular Systematic Code of Port Regulations from those materials, with such Additions, Alterations, and Amendments, as may Appear to Your Lordship proper and adviseable for the greater Security of the future Trade and Revenue of this Port; and, when Such a Code shall be framed as will meet Your Lordship's Approbation, that you will please to have it transmitted hither by the Earliest Opportunity. In the mean time, I shall Continue the Port Regulations in their present Form; but, as they are not Comprehensive enough for the Circumstances of the rapidly increasing Trade of this thriving Colony, and do not sufficiently guard against a Number of Impositions which are Attempted to the prejudice of the Revenue and the Injury of the Colony, I shall feel much Obligated by the New Modelled Regulations being prepared and Sent hither at as early a Period as possible.

Request for
codification of
port regulations
by crown
lawyers in
England.

I have, &c.,

L. MACQUARIE.

1815.
24 Feb.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Tuesday, 9th Novr., 1813.

General orders
re officers'
absence from
duty.

No Officer on the Civil or Military Staff of this Colony residing at Head Quarters is ever to absent himself from thence for a whole Day and Night, without previously obtaining the permission of His Excellency the Governor for so doing.

By Command of His Excellency The Governor,

H. C. ANTILL, Major of Brigade.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

Extract from
proceedings
of bench of
magistrates
re Bent's
attendance.

EXTRACT from the Book of Proceedings* of the Bench of Magistrates, dated Saturday, 31st of December, 1814.

Present:—Ellis Bent, Esqre., Judge Advocate; Wm. Broughton, Esqre.; Alexr. Riley, Esqre.; D'Arcy Wentworth, Esqre.; S. Lord, Esqre.

On this Day the Judge Advocate stated to the Magistrates that a due attention to his leisure, his Health, and the other Functions of his Office, rendered it necessary for him to decline presiding at their Meetings in future.

ELLIS BENT, J.-A.

True Extract:—L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

[A] JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Judge Advocate's Office, Sydney,

Sir,

New South Wales, 31st Decr., 1814.

Reasons for
delay in
consideration
of port
regulations.

I had some time ago the honor of receiving from Your Excellency the Draft of the Regulations, proposed to be established for this Port, with an intimation of your Excellency's wishes that I should arrange and revise them.

A considerable press of business, and the alterations which were about to be and have since been introduced in our judicial establishment, have prevented me till lately from devoting that time and uninterrupted reflection to this subject, which its importance required, tho' I have never wholly lost sight of it.

My attention has however for some time back been almost solely occupied by it, and after much consideration it appeared to me adviseable to remodel the Port Regulations; but, not knowing whether in so doing I should meet Your Excellency's ideas, I have thought it proper to lay before you my views of this Subject before I proceeded to Submit to Your Excellency any Draft of Regulations framed upon those views.

* Note 92.

I have therefore set down in writing as Concisely as I could Such observations as were Suggested to me by a careful perusal of the Draft I received from Your Excellency, which observations* I believe to be in perfect conformity with the law of England.

1815.
24 Feb.

Observations
made on draft
of proposed
port regulations.

In so doing I have been under the necessity of referring to a variety of Acts of Parliament, which I shall be happy to communicate to Your Excellency, if you are not already provided with them.

I have the honor to return the papers I received from Your Excellency on this subject, with the observations I have above mentioned, and to be, &c.,

ELLIS BENT.

[B] OBSERVATIONS ON THE PORT REGULATIONS.

N.B.—These remarks refer to the Manuscript Copy.†

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

No. 2. The object of this regulation appears to me sufficiently provided for by the 15 Car. 2, ch. 7, s. 8 and the 7 Geo. 3, ch. 46, s. 9. From the former of these Acts, the Appointment of Naval Officers had its origin, they being originally persons named by the Governors of Plantations for the purposes and under the Authority of that Act, and they are subsequently recognized by the name of Naval Officers in the 7 and 8 Wm. 3 ch. 22 s. 5, and particular provision made as to them. I may here observe in general that several of the Port regulations (particularly Nos. 12, 14, 39, 42, 46) might be dispensed with, and supplied by a general regulation, announcing to Masters of Ships that they must conform to the provisions of the Plantation Laws in all matters relating to the lading, unlading, and entering their Ships and Cargoes, as is expressly directed by the 7 and 8 Wm. 3, ch. 22, s. 6. For many of the objects of these Port Regulations appear to me to be fully provided for by these Laws, of which all persons are bound to take notice. And the Governors of all Colonies are bound by express oath to enforce these Laws, and cannot safely either alter or deviate from them without exposing themselves to very severe penalties, as may be seen by reference to the 12 Car. 2, ch. 18, s. 2, 15 Car. 2, ch. 7, s. 8, 7 and 8 Wm. 3, ch. 20, s. 69, and 4 Geo. 3, ch. 15, s. 39.

[Marginal comment.] *This Regulation No. 2 is to stand as in the Manuscript Draft.*—L.M.

No. 3. I should recommend the omission of this regulation, as its end will be effectually obtained by a due Publication of the following article.

[Marginal comment.] *App'd.*—L.M.

No. 4. In this regulation, I would omit all reference to the crying down the credit of Sailors, but declare that their Persons

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

should not be liable to arrest or detention for debts contracted by them in this Colony; at the same time, I should advise that this measure be confined to Sailors actually serving in Ships, not belonging to this Port, and not entered or shipped at this Port.

[Marginal comment.] *Regulation No. 4 is to stand as in Manuscript Draft, but to be confined to Crews of Foreign Vessels, not extending to Colonial ones.—L.M.*

No. 6. I should recommend that the Post Master be restrained from taking charge of any Parcels or Packages, and that he be confined to taking charge of *letters only*. This arrangement would be more agreeable to the practice of the Post Office at home.

[Marginal comment.] *App'd.—L.M.*

No. 7. As many of these regulations are comprehended in various Acts of Parliament, and as specific penalties are attached to the breach of several others of them, I am inclined to think that this bond might be dispensed with.

[Marginal comment.] *Regulation No. 7 is to stand as in Manuscript Draft.—L.M.*

No. 8. As I do not find that any such regulation as this is in force in any of the Colonies, I should recommend that it be confined to Ships having Convicts on board, either male or female.

[Marginal comment.] *Regulation No. 8 to stand as in Manuscript draft.—L.M.*

No. 9. I am of opinion that this regulation is illegal as far as it regards free British Subjects; after a very mature consideration of this matter, I conceive that a free British subject may lawfully remove from any part of His Majesty's Dominions to any other part of the same, and there reside, unless prevented by some positive Act of Parliament (as in the case of Persons going to the East Indies or of Artificers leaving the Kingdom without license) or by writ of *ne exeat regno*, or due process of law.

[Marginal Comment.] *This Regulation No. 9 is to Stand as in Manuscript Draft of Port Regulations.—L.M.*

No. 10. I do not think it legal to put a Military Guard on board a Merchant Ship without the consent of the person in command of the Ship. I would suggest that it would be more adviseable to attach a Certain number of decent persons to the Office of the Naval Officer, in the nature of Custom house Officers, and to put one on board each Ship on its arrival to prevent the revenue from being defrauded.

[Marginal comment.] *The Regulation No. 10 is to Stand as in Manuscript Draft.—L.M.*

No. 11. Perhaps it might be proper to introduce here some provision as to Vessels arriving with dangerous diseases on board, and as to Vessels unshotting their Guns and securing their Powder, before they were allowed to anchor in Sydney Cove.

[Marginal comment.] *App'd.—L.M.*

No. 12. This Regulation appears to me to be Sufficiently provided for by 7 and 8 Wm. 3, ch. 22, s. 6, which refers to 14 Car. 2, ch. 11, and by 15 Car. 2, ch. 7, s. 8, and the 7 Geo. 3, ch. 46, s. 9, I here beg leave to refer to the observation on No. 2.

[Marginal comment.] *Regul'n No. 12 is to Stand as in Manuscript Draft.—L.M.*

No. 13. I would advise the omission of the latter part of this Regulation, and, instead thereof, add a provision that persons infringing it should be subject to the penalties attached to the landing prohibited or run goods in England. I think this would be more conformable to the tenor of the Plantation Laws.

[Marginal comment.] *App'd; but a Penalty ought to be attached to disobedience of this Regul'n.—L.M.*

No. 14. This is already provided for by 7 and 8 Wm. 3, ch. 22, s. 6.

[Marginal comment.] *Regul'n No. 14 is to Stand as in Manuscript Draft.—L.M.*

No. 15. It will be necessary to ascertain the Court, which is to take cognizance of this Offence.

[Marginal comment.] *Reference to the Judge Advocate to name the Court.—L.M.*

No. 16. I should recommend that no Merchandize be landed, but in the presence of an Officer of the Customs, Wharfinger, or other Person attached to the Naval Office, and between certain hours of the Day, and also that the penalty be omitted.

[Marginal comment.] *App'd; but a Penalty to be attached to disobedience.—L.M.*

No. 17. I cannot advise the requiring the Bond, mentioned in this regulation, to this extent, for it puts free Settlers, and free pardoned Persons, and other free British Subjects, on the same footing as Convicts, or persons having pardons subject to the condition of residence in this Territory. The two latter classes are not free, and therefore, if confined to them, I see no legal objection to the Bond. But all free Persons are at liberty to leave the Territory when they think proper, unless detained by due course of Law. To prevent Convicts and others imposing themselves on the Masters of Ships, as free Persons, it might be advisable that all Persons about to depart from the Colony should present themselves at the Secretary's Office and procure

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

a Certificate from him that they had so done, and had duly passed the Office. I must add that an exception ought to be made in favor of Officers and others (who, from the Stations they have filled, must necessarily be well known), their Wives and Children, as they cannot come within the reason of the regulation. As to Masters of Vessels not leaving the Harbour without the Governor's Authority, it is so well understood a part of a Master's duty not to leave any Port without a proper clearance, and the neglect of that Duty is attended with consequences so serious, that I consider it unnecessary to enforce it further. The Clearance is the only permission required by Masters of Ships.

[Marginal comment.] *This Regulation No. 17 is to Stand as in Manuscript Draft.—L.M.*

No. 18. I should advise the omission of this Bond, because the landing of Persons in the Territories of the East India Company without due license is not an offence against the Government of this Colony (being an Act, not in itself criminal, committed out of its jurisdiction), and because it is already amply provided for by the different Acts of Parliament relative to the East India Company.

[Marginal comment.] *App'd.—L.M.*

No. 19. The establishment of two distinct Courts of Civil Jurisdiction in this Colony requires the revision of this Regulation, and I should recommend the adoption of a different principle. It is the business of Creditors to take proper care that their Debtors do not escape from them; for this purpose they should apply to the proper Courts of Justice to enable them to recover their Demands. If they do not, they have no right to expect that the liberty of all should in some degree be restrained to apply a remedy to the consequences of the laziness or weak indulgence of a few. When the Courts are once open, all persons will be able at all reasonable hours to obtain due process against their creditors. I should therefore think some such arrangement, as the following, would be sufficiently effectual. All Persons might be obliged to give reasonable Notice in one or more *Gazettes* of their intention to leave the Colony, and of the name of the Ship in which they mean to embark. This will be sufficient to put Creditors and others on their guard. The Persons, meaning to depart, should, after the last of such Notices, present themselves at the Secretary's Office, and, having satisfied him of the due publication of such Notice and of their being free Persons, should be furnished with such a Certificate from him, as I have mentioned. I need not add that they will still be liable to be taken by their Creditors under due process

of Law, as long as they remain within the jurisdiction of any of the Courts of this Territory. I should recommend the leaving all extraordinary cases to be provided for by the Courts of Justice according to the Law of England, modified by the local circumstances of the Colony. There does not appear to me to be any necessity for making any particular provision for the cases of Bail-bonds, Breaches of the Peace, etc. as these cases are sufficiently provided for by the Law.

[Marginal comment.] *Regulation No. 19 is to Stand as in the Manuscript Draft of the Port Regulations, as I conceive it to be one of primary importance.—L.M.*

No. 20. I observe that the mustering of the Crews of Ships at the Secretary's Office is not explicitly directed in any part of the Port Regulations, being merely incidentally mentioned in this. It appears to me to afford much encouragement to desertion, and occasions great embarrassments to Ship Masters and Ship Agents. The object I conceive would be better answered by the Muster taking place on board. The only instance, I know of Crews or passengers being mustered at home, is by virtue of the 43d of the King, ch. 56, s. 4, under which for a particular purpose they are mustered by the Collector, Comptroller or Surveyor of Customs with a justice of the peace on board their Several Ships.

[Marginal comment.] *Regulation No. 20 is to Stand as in Manuscript Draft, it being deemed indispensibly necessary that the Crews of Ships should be mustered at the Secretary's Office.—L.M.*

No. 21 and 22. I should recommend the omission of both of these Regulations; One of the evils, they are meant to guard against, will be very much prevented by the inforcement of regulation No. 4. The rest is already to a certain degree provided for by Law.

[Marginal comment.] *Regulations Nos. 21 and 22 are to Stand as in Manuscript Draft.—L.M.*

No. 23. I doubt the legality of this regulation, and am of opinion that desertion of this kind should be left to the penalties already enacted against it. See the 2 Geo. 2, ch. 36, s. 3, 4, 5, and the 31 Geo. 3, ch. 39, s. 3 and 4.

[Marginal comment.] *Regulation No. 23 is to Stand as in Manuscript Draft.—L.M.*

No. 24. For the reasons I have already mentioned in my observations on regulation No. 9, I would advise that this matter be left to whatever may be considered the legal Construction of Sect. 18, ch. 7 of the 11 and 12 Wm. 3.

[Marginal comment.] *App'd.—L.M.*

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

No. 25. This regulation has never I believe been Strictly enforced. I would suggest that much of its object may be attained by a strict enforcement and proper modification of Regulation No. 16.

[Marginal comment.] *Regulation No. 25 is to Stand as in Manuscript.—L.M.*

No. 26. Boats are not usually forfeited except for a Breach of the Revenue Laws. I should therefore imagine that it would be sufficient to prosecute persons landing without permission at Garden Island as for a trespass. I think the latter part of this Regulation, as to Cockle Bay, requires consideration.

[Marginal comment.] *App'd as far as Garden Island is concerned; but the Regulation No. 26, as far as concerns Cockle Bay and Farm Cove, is to Stand as in Manuscript Draft.—L.M.*

No. 27. The offence of Sailors, deserting or absenting themselves from their Ships, is provided for by 11 and 12 Wm. 3, ch. 7, s. 17, 2. Geo. 2, ch. 36, s. 3, 4, 5, and 31 Geo. 3, ch. 39, s. 3, 4. If found strolling about the Streets at improper hours of the night, I should recommend their being confined in the Gaol or Watch house till the morning, and then put on board the Ships they may Severally belong to. I cannot take upon myself to advise their being worked in the Gaol Gang.

[Marginal comment.] *App'd.—L.M.*

No. 28. The fees here mentioned are in my opinion too high. I do not see the ground on which the Ch. Constable can claim any fee, when once the man has been lodged in Gaol.

[Marginal comment.] *The Fees to be reduced to Half the present Fees, but the rest of this Regulation to Stand.—L.M.*

No. 29. I think that in the present advanced State of this Colony this Regulation might be omitted without any ill consequence.

[Marginal comment.] *App'd as far as relates to Must'g, etc. of Vessels on shore, but all Boats are to answer when hailed after Tattoo.—L.M.*

No. 30. I should recommend that all questions of Seizure and confiscation, arising out of a breach of the revenue Laws, be determined, as near as local circumstances will permit, according to the provisions of 4 Geo. 3, ch. 15, s. 41.

[Marginal comment.] *Regulation No. 30 is to Stand as in the Manuscript Draft.—L.M.*

No. 31. This regulation is rendered unnecessary in regard to the King's Troops, being provided for by the Mutiny Act; and if a Similar provision were extended to the case of Convicts, it would I think answer the purpose.

[Marginal comment.] *This Regulation is to Stand as in the Manuscript Draft.—L.M.*

Nos. 34, 35 and 36. These Regulations do not mention in what manner or before what Courts these penalties are to be recovered. In general, I should advise that all penalties not exceeding £5 should be sued for before two or more Magistrates. In other cases I should advise that the Offender be either prosecuted before the Court of Criminal Jurisdiction, or according to the provisions of the above quoted Act of 4 Geo. 3, ch. 15, s. 41, according to the nature of the offence.

1815.
24 Feb.

Ellis Bent's criticism of proposed port regulations, with Macquarie's marginal comments.

[Marginal comment.] *App'd.—L.M.*

No. 37. I consider the detention of any Ship is a matter of such responsibility as to render a Warrant in writing necessary for the satisfaction of all parties.

[Marginal comment.] *This Regul'n No. 37 is to Stand as in Manuscript Draft.—L.M.*

No. 38. The responsibility of the Master for the acts of his Officers and Crew is here expressed in too general terms, as it must be recollected that these regulations are very extensive and the consequences of breaking them highly penal.

[Marginal comment.] *This Regul'n No. 38 to be modified by Mr. Bent, in such manner as may appear to him suitable.*

No. 39. The object of this regulation seems to be fully provided for by 4 Geo. 3, ch. 15, s. 36, 38, and by other plantation laws.

[Marginal comment.] *This Regul'n No. 39 is to Stand as in the Manuscript Draft, but the amount of Fine or Punishment is left to be modified by Mr. Bent.—L.M.*

No. 40. This Regulation will now require alteration agreeably to the Proclamation of the 1st July, 1813.

[Marginal comment.] *This Regul'n No. 40 may Stand as it is in Manuscript Draft, leaving out the words "unstamped Dollars."—L.M.*

No. 41. How far the Bond here mentioned may be legally required or enforced, I have much doubt. If the taking of letters and entering into the Bond were voluntary on the part of the Master of the Vessel, the circumstances of the case might be much altered.

[Marginal comment.] *This Regul'n No. 41 is to Stand as in Manuscript Draft, experience having proved the necessity of it, and a similar Regul'n exists in India.—L.M.*

No. 42. See the 15 Car. 2, ch. 7, s. 8.

[Marginal comment.] *This Regul'n to Stand as in Manuscript Draft.—L.M.*

1815.
24 Feb.

Ellis Bent's
criticism of
proposed port
regulations,
with
Macquarie's
marginal
comments.

No. 46. For the origin and purposes of the appointment of Naval Officers see the 15 Car. 2, ch. 7, s. 8, and 7 and 8 Wm. 3, ch. 22, s. 5. I think this Officer should here be considered as the principal Officer for collecting His Majesty's revenue, arising from duties on goods imported and exported, and for carrying the plantation laws as to these matters into execution; as such, his powers are fixed by the 6th Sect'n of the above act, and are very extensive, and his Deputy is a recognized Officer in the Plantations.

[Marginal comment.] *This Regulation No. 46 is to stand as in the Manuscript Draft.—L.M.*

No. 48. By these Regulations, no less than five Bonds may now be demanded from Masters of Vessels, some with Sureties, some without; the whole penal Sums not falling far short of £3,000; it would be adviseable, if possible, to include all that might be thought necessary in one.

[Marginal comment.] *This Regulation is left to the discretion of Mr. Bent to be new modelled, so as to include all the required Bonds in one, if possible, which is very desirable.—L.M.*

GENERAL OBSERVATIONS.

General
observations
by Ellis Bent
on proposed
port regulations.

Having given much attention to this Subject, I may venture to express my opinion that the laws, enacted at different times by the British Legislature for regulating the trade with the plantations, should be the basis of the Port Regulations here. That they are supposed to apply to this Colony is Sufficiently clear, because every Governor, previous to assuming the Government, is commanded by his commission to take an Oath for the due execution of them, and I may further add that they cannot be legally altered or dispensed with by any authority short of that of the British Legislature. This will clearly appear by a reference to the 49 Geo. 3, ch. 17, s. 1, giving His Majesty a power, by any order in council, to make regulations relative to the Trade with the Cape of Good Hope.

The plantation laws are much more ample in their provisions on almost all points, mentioned in these regulations, than the Regulations themselves; which, if they are considered as comprehending the whole Law of the Colony on this subject, are very defective, as they totally omit Several important matters, and, from the unavoidable looseness with which they are worded, afford too many loopholes thro' which Offenders may escape; as it is a known principle of our Law that all penal Laws must be construed strictly, and no Offender punished unless he is brought within their very letter.

To introduce an abbreviation of the Laws, relative to the Plantations in the Port Regulations, would be a Work of great labor, would swell them to an enormous size, and might be attended with the mischievous consequences which would result from any inadvertent omission.

1815.
24 Feb.

General
observations
by Ellis Bent
on proposed
port regulations.

The local circumstances of this Colony undoubtedly demand consideration; but, in providing for them, the liberties and conveniences of others should be as little restrained as the nature of each particular case will admit. These local circumstances, as far as they are connected with this subject, seem to be confined to the provisions necessary to be adopted to prevent the escape of the Convicts, and the indiscriminate importation of Spirituous liquors; and, excepting such provisions as may be necessary on these accounts, I see no reason why the intercourse with this Colony should not be on the same footing as with the rest of His Majesty's foreign Dominions. I know of no act of the Legislature, which directs otherwise.

It might be advisable to annex a Short proclamation to the printed Copies of such regulations as may finally be adopted, directing all Persons concerned to pay due obedience to them.

Sydney, 30th Decr., 1814.

ELLIS BENT.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

GOVERNOR MACQUARIE TO JUDGE-ADVOCATE BENT.

Sir, Government House, Sydney, 9th Jany., 1815.

I was very much chagrined and disappointed to find on conversing with you this day on the subject of the Port Regulations of this Territory, that you were unwilling to undertake to frame them in the Manner and on the principle, proposed by me in the Manuscript Draft I had some time since the honor to submit for your revisal and Correction, on the Plea that you did not conceive the proposed regulations were warranted by Law. In this Opinion, I must beg leave to differ from you, as I do not know any Law that immediately prohibits any of the Articles in the Proposed Draft. And, as you are the only Law Officer now here belonging to the Crown, I must still call upon you, in this Official Manner, to revise and frame the proposed Port Regulations in Question, so as to enable me to Publish them with as little delay as possible for the guidance of all Persons concerned.

Regrets at
Bent's refusal to
revise draft
regulations.

I accordingly beg leave to return to you the Observations you sent to me in your Letter of the 31st Ultimo, with my Marginal Notes thereon to guide you in framing the New Port Regulations.

Bent officially
required to
frame new
regulations.

1815.
24 Feb.

Papers
transmitted
to Bent.

I likewise send you herewith my Answers to your Observations, together with the Printed Copy of the present existing Port Regulations, and also the Manuscript Draft of the proposed New Ones; trusting that you will see the Propriety, on more mature reflection, of Complying with the present request, and thereby prevent my being Compelled to resort to the unpleasant alternative of making a reference to His Majesty's Ministers on this Subject.

I have, &c.,

L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

Macquarie's
reply to Bent's
criticism.

ANSWERS TO MR. BENT'S OBSERVATIONS ON THE PROPOSED NEW PORT REGULATIONS.

It certainly would be highly advisable to assimilate the Port Regulations of this Colony to the Plantation Laws, as nearly as practicable; but the peculiar Circumstances of this Colony, in respect to the nature and description of its Population, preclude the possibility of doing so in all cases; and therefore as long as it continues to be the receptacle for Convicts, its Port Regulations, as well as other Bye-laws, must be different from those of every other British Colony.

Hence it is evident that many restraints and restrictions are required here, which are rendered totally unnecessary in His Majesty's other Colonies; and although some of these restraints may appear at first view rather arbitrary, they are nevertheless essentially necessary here under the present peculiar Circumstances of the Colony.

The Governor very readily admits the perfect legality of all Mr. Bent's Suggestions in respect to the new modelling of the Port Regulations, but cannot agree with him as to the propriety or safety of removing entirely the restrictions contained in the Manuscript Draft of the proposed Regulations submitted for his revival.

The Governor therefore, after very mature consideration and serious reflection, is decidedly of opinion that the Port Regulations for this Colony should be framed exactly on the principle laid down in the Manuscript Draft herewith returned, but to be modified in certain cases therein specified according to Mr. Bent's discretion, and the whole of the Regulations to be put in appropriate technical language, so as to make them as clear and distinct as possible.

In Mr. Bent's observations, it is stated that several of the proposed Port Regulations in the Manuscript Draft, submitted for his revival, are sufficiently provided for in certain Acts of

Parliament therein quoted. Admitting this, however, to be the Case, it does not thence appear unnecessary to express Certain Duties to be reciprocally performed by the Masters of Ships and the Naval Officer; for, however full the Acts of Parliament may be on this Subject, it is scarcely to be expected that either the Subordinate Officers of the Crown, or the Commanders of Ships at this place, should be so conversant with those Statutes as to be enabled at all times to act in strict conformity to them.

The application of the Several Statutes, quoted in the observations, will of course rest with the Courts of Justice before which any steps shall be taken; and the Port Regulations should be considered as the Warrant or Authority under which the parties acted.

The Governor highly approves of a short Proclamation being annexed to the amended Draft of the Port Regulations, directing all Persons concerned to pay due obedience to them.

Govt. House, Sydney, 9th Jany., 1815.

L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

[*This consisted of a printed copy of the port regulations, which will be found on page 656 et seq. in volume VII.*]

[Enclosure No. 7.]

PORT REGULATIONS.

No. 1—Old No. 1.

Draft of
proposed
port regulations.

1. Ships or Vessels, on their Arrival at Port Jackson, are to receive a Pilot on board Off or near to the Heads at the entrance of the Harbour, and are to be boarded as soon as convenient by the Naval Officer or his Deputy, who is to furnish each Master or Commander with a Copy of these Regulations for his guidance.

No. 2—Old No. 4.

2. Masters or Commanders of Vessels are to furnish the Naval Officer or the Deputy with a complete Account of their Cargoes, and such general Information respecting their Voyages, as He may deem necessary, and are to lodge at His Office a Correct List of their Ships' Crews, regularly Signed and dated, previous to the admission Flag being hoisted.

No. 3—New.

3. The Credit of Ships' Companies must be cried down by the Public Bell Man, thro' the Streets of Sydney, before hoisting the admission Flag; and for this purpose, Masters or Commanders are required to give him a Written List of their Companies

1815.
24 Feb.

Macquarie's
reply to Bent's
criticism.

1815.
24 Feb.

Draft of
proposed
port regulations.

Names, regularly dated and Signed, and perfectly Corresponding with that delivered to the Naval Officer, and to instruct him to Cry down their Credit through the Streets.

No. 4—New.

4. When the Credit of Ships' Companies is duly Cried down according to the foregoing Regulation, No Claims or Demands, which may be made against them for Debts Contracted during the Ships remaining in Port, will be held legal; and the Seamen will not be prevented by such Plea of Debts from Proceeding to Sea in the Ship or Vessel by which they arrived. Publicans and others must Conform to this Regulation.

No. 5—formerly No. 38.

5. Letters, Packets or Dispatches, addressed to the Governor or His Secretary, or to any Public Officer of the Government, are to be considered *On Service*, and delivered to the Naval Officer or His Deputy on his boarding, who will either take charge of them himself, or give directions for their being delivered to the Post Master, when he shall go on board. Master of Vessels, withholding Letters or Packets so addressed, will incur a Penalty of £20 for each day after arrival that said Letters or Packets shall remain undelivered.

No. 6—formerly No. 39.

6. The Post Master is to board Vessels after the Naval Officer or his Deputy, and to take charge of all Letters, addressed to Private Persons, or which have not been taken charge of by the Naval Officer; and for all Letters so received by him, He is to give a receipt to the Master or Person from whom he shall receive them. Masters or Officers of Vessels, convicted of delivering Letters or Parcels to any other Person than the Post Master, to be fined *ten Shillings* for each Letter or Package.

No. 7—formerly No. 5.

7. Masters or Commanders of Vessels are to give Bond to the Naval Officer, with two Sureties *both resident at Sydney, such as the Naval Officer may deem Competent*, for the due observance of these regulations, for the sum of £1,000, themselves in £500 each, and each of the Sureties £250; On which Bond are to be levied All fines or penalties which may accrue from the breach of these Regulations.

No. 8—New.

8. No other Person or Persons, than the Officers mentioned in the foregoing Articles, are to be admitted on board any Ship or Vessel on Arrival, until the Master or Super Cargo shall have reported and made due Entry of the Cargo, perfected the usual

Bonds for the Observance of these Regulations, and received Permission from the Naval Officer to hoist the admission Flag on board his Vessel. For each Person Suffered to go on board, Contrary hereto, the Master or Commander will incur a Penalty of £5 Sterl'g to be levied on the Bond prescribed in the foregoing Article; And each Person, going on board without due Authority, will be fined the Sum of £5 Sterl'g for each Offence and imprisoned until payment shall be made.

1815.
24 Feb.

Draft of
proposed
port regulations.

No. 9—formerly No. 18.

9. None of the Crew or Passengers on board any Ship or Vessel are to be permitted to land without the Governor's permission having been previously obtained, or the Naval Officer having authorized their landing in Company with himself, or until the admission Flag shall be hoisted. For each Person, who shall land without such permission or authority, the Captain or Commander will incur a Penalty of £5 Sterling, and each Person so landing will be fined the Sum of £5 Sterling and Confined in Jail until Payment shall be made.

No. 10—formerly No. 2.

10. Ships or Vessels on Arrival are to receive a Guard on board (if deemed Necessary) to enforce due obedience to these Regulations, and to perform such other Duties as the Naval Officer may direct. Said Guard is to be Comfortably lodged, and not interrupted or insulted in the performance of its Duty.

No. 11—formerly No. 3.

11. Foreign Ships or Vessels are not to proceed further up the Harbour of Port Jackson than *Neutral bay*, until permission for that purpose shall be obtained from the Naval Officer. The Pilots are particularly required to carry this Regulation into Effect.

No. 12—formerly No. 4.

12. Masters or Commanders of Vessels are to furnish the Naval Officer with the following Lists or Papers. Vizt.

1. The Muster Roll of the Ship's Company;
2. The Articles with Ship's Company;
3. A List of the Passengers;
4. The Clearance from the Port first sailed from, and from all others touched at on the Passage;
5. The Log Book;
6. The Manifest of Cargo,

and generally all Papers, which may be necessary for the ascertaining the legality of the Cargo, whether taken in at the Port first cleared out from, or from any intermediate Port until

1815.
24 Feb.

Draft of
proposed
port regulations.

Arrival at Port Jackson. They are also to inform the Naval Officer what Articles on board are meant for Sale, and what for other Ports or Ship's Use. Private Ventures, belonging to Passengers or Ship's Officers, are to be reported and brought to Entry in the same Manner as the other parts of the Cargo.

No. 13—formerly No. 6.

13. Wine, Beer, Spirits, or other Strong Liquors are not to be discharged or sent on Shore from any Ship or Vessel in the Harbour of Port Jackson without a Special Permission from the Governor, Countersigned by the Naval Officer, on pain of being Seized and forfeited to the Crown. And the Master or Commander of the Vessel, from whence it shall have been discharged, will on Conviction be fined for each Offence the Sum of £50 Sterling.

No. 14—formerly No. 7.

14. All Boats, detected in Smuggling or Carrying Articles of Merchandize from on board of any Ship or Vessel, the same not being duly permitted as prescribed in the foregoing Regulation, will be Seized and forfeited to the Crown; and the Person or Persons, found on board them or assisting in Smuggling, will be Corporally Punished at the discretion of a Bench of Magistrates.

No. 15—formerly No. 8.

15. Arms, Ammunition, Naval and Military Stores are not to be Sold or delivered overboard from any Vessel in the Harbour of Port Jackson without a Special Permission from the Governor, under pain of Seizure and being forfeited to the Crown. Any Master or Commander of a Vessel, on being Convicted of having discharged or landed Arms, Ammunition, Naval or Military Stores, without the Special Written Permission of the Governor, will be fined for each Offence the Sum of £50 Sterling.

No. 16—formerly No. 9.

16. The King's Wharf (formerly called the Hospital Wharf), being the only legal or authorised landing place for Packages or Articles of Trade, Masters or Commanders of Vessels are to attend strictly hereto. Articles, landed or attempted to be landed at any other place within the Harbour of Port Jackson, will be considered as Smuggled, and of course Seized and forfeited to the Crown; And the Master or Commander of the Vessel, from whence they were discharged, will on Conviction be fined for each Offence the Sum of £50 Sterling.

No. 17—formerly Nos. 10 and 11.

17. The Master or Commander of every Vessel, whether British or Foreign Property, is to give Security by Bond to the Naval

Officer, himself in the Penalty of £800 Sterling, and two Sufficient Sureties in each the Sum of £50 Sterling, that he will not carry off from the Colony any Free Settler, Convict, Free, Pardoned or Emancipated Person, unless by the Permission of the Governor, and having his, her, or their Names duly inserted in the Clearance from the Secretary's Office; And further that He will not himself leave the Harbour, but by the same Authority. And the Owners and Masters of Colonial Vessels are to enter into Similar Securities, Once in each Year, Vizt. on the 1st January, or on the next ensuing day of business, if the first should be a Holiday.

1815.
24 Feb.

Draft of
proposed
port regulations.

No. 18—formerly No. 12.

18. Masters or Commanders of Vessels, bound hence to India or China, are to give Security by Bonds to the Naval Officer; Each Master or Commander in the Penal Sum of £500 Sterling, that He will not land any Free Person, Convict or other from this Colony in any part of the Territories of the East India Company, unless by Permission of the Governor General of India, or of the Governor of the Settlement at which His Ship or Vessel may Arrive.

No. 19—formerly No. 13.

19. Persons meaning to leave this Colony are to give Public Notice thereof in two Weekly Publications of the *Sydney Gazette*. The first Notice to be inserted ten days, previous to the Clearance being obtained for the Sailing of the Vessel, in which they mean to embark. They are further to Obtain Certificates from the Judge Advocate that no Detainers are lodged against them for Debts, Securities, Bail Bonds, or Breaches of the Peace; And such Certificates must be dated at least Eight Days Subsequent to the date of the first Advertizement, Notifying their intended Departure. These Certificates are to be brought to the Secretary's Office and deposited there, and, should it be then deemed expedient, the Names of those Persons will be inserted in the Secretary's Muster Roll of the Vessel or Vessels by which they are about to depart. Masters or Commanders of Vessels are strictly enjoined to attend to this Regulation, and not on any Account to receive or Allow any person or persons to embark on board their Vessels other than those whose Names shall be Entered at the Secretary's Office in the Muster Roll attached to their Port Clearance as above mentioned.

No. 20—formerly No. 14.

20. Masters or Commanders of Vessels are to give Public Notice in the *Sydney Gazette* in two Succeeding Publications of the time at which they mean to Sail from hence; And also

1815.
24 Feb.

Draft of
proposed
port regulations.

to give a Written Notice thereof to the Secretary, *at least ten days* previous to the time at which they may wish to Muster their Ships' Companies at the Secretary's Office.

No. 21—formerly No. 15.

21. Persons, who shall Harbour or retain Petty Officers or Seamen belonging to any Vessel or Vessels in the Harbour of Port Jackson, or inveigle Seamen from their regular Masters or Employers, will be Punished According to the Law in such Cases. And Persons, who shall entertain or lodge in their Houses any Officers or Seamen, who have Absented themselves or deserted from their Duty, will be fined on Conviction for each Person so lodged or entertained the Sum of £10 Sterling.

No. 22—formerly No. 16.

22. The Master or Commander or any inferior Officer of any Ship or Vessel in the Harbour of Port Jackson, who shall be Convicted before a Bench of Magistrates of having inveigled away or hired any Sailor or Sailors from on board or belonging to any other Ship or Vessel in said Harbour, or of receiving on board or into His employment any Sailor or Sailors, who have not regular Discharges from his or their late employers, will be fined for each Person, so inveigled or Seduced from His proper Master, the Sum of Fifteen Pounds Sterling; and the Sailor or Sailors, so inveigled, will be restored to his or their proper Master or Masters.

No. 23—formerly No. 17.

23. Any Seaman, who shall desert from the Ship or Vessel by which he arrived in Port Jackson and be found in any part of this Colony after the departure of the said Ship, will be apprehended; And for such desertion will receive Thirty One Lashes by the direction of any Justice of the Peace before whom the fact shall be proved, and will be afterwards Put to Government Public Labour in One of the Convict Gangs, until the Governor shall Authorize his embarking on board some other Ship or Vessel.

No. 24—formerly No. 19.

24. The Master or Commander of any Vessel, who shall Voluntarily leave any of the Seamen belonging to His Ship or Vessel in this Territory (not having obtained the Governor's permission so to do), will on his next arrival be held responsible for all the reasonable expences, which such Persons may have incurred; And on Conviction be fined the Sum of £15 Sterl'g for each Seaman so left in N. S. Wales; and this fine will be levied from him in Whatever Vessel he may again arrive.

No. 25—formerly No. 20.

1815.
24 Feb.Draft of
proposed
port regulations.

25. No Persons are to land in any part of Sydney Cove, but the King's *Wharf*, unless from Government Boats, or from Boats belonging to King's Ships, or by the Special Authority of the Governor. Boats, detected in landing any Person or Persons at the *Governor's Wharf* or elsewhere than herein prescribed, will be Seized and forfeited, And the Person or Persons in charge of them Corporally Punished on Conviction at the discretion of a Bench of Magistrates.

No. 26—formerly No. 21.

26. Boats, detected in landing any Person on *Garden Island* without the Governor's Permission, or in Cockle Bay, or Farm Cove *after Sun Set*, will be forfeited to the Crown, and the Persons Managing them Punished Corporally at the discretion of a Bench of Magistrates.

No. 27—formerly No. 22.

27. When Sailors abscond or absent themselves from their Duties on Ship board, or shall be found on Shore at improper hours, they are to be Apprehended by the Peace Officers and Secured in Jail; and the Masters of the Vessels, from whence they So absconded, may have them continued in the Gaol as a Punishment, Supplying them with their usual Provisions such as they would have received on board. Seamen, continuing to Act in disobedience to their Masters, will be further Punished by being put to work in the Gaol Gang, if their Masters should desire it during their Stay in Port.

No. 28—formerly No. 23.

28. Masters or Commanders of Vessels are to be responsible for all Gaol and incidental fees, incurred on such Occasions as the Preceding. For each Sailor Confined in Gaol, the Gaoler and Chief Constable are each to receive *Two Shillings and Sixpence Sterling Per Night*.

No. 29—formerly No. 24.

29. Masters of Vessels or Super Cargoes, who remain on shore after Taptoo beating, are to carry Lanterns and to make themselves known to Sentinels, when Challenged. And Persons in Boats, belonging to Merchant Vessels when Challenged by Sentinels on Shore or hailed from other Vessels, are to Answer such Challenge or Hail, under Pain of being detained and Corporally Punished at the discretion of a Bench of Magistrates.

No. 30—formerly No. 25.

30. Masters of Vessels, who may require Wood and Water at the Springs or Tanks on the North Shore and the adjoining

1815.
24 Feb.
—
Draft of
proposed
port regulations.

Grounds, are to Pay into the hands of the Naval Officer for the Same According to the following rates proportioned to the Size of their Vessels, Vizt.

	£	s.	d.
For any Vessel not exceeding 100 Tons pr. Register	1	0	0
Exceeding 100 and not exceeding 200 Tons	2	0	0
Exceeding 200 and not „ 300 „	3	0	0
Exceeding 300 tons and not exceeding 400 tons..	4	0	0
Exceeding 400 and not „ 500 „	5	0	0
All Vessels upwards of 500 tons	6	0	0

And should any Boats be discovered carrying away either Wood or Water without Permission from the Naval Officer, they are liable to Seizure and Confiscation on the fact being proved before a Bench of Magistrates; And the Persons on board will be Corporally Punished at the discretion of a Bench of Magistrates.

No. 31—formerly No. 26.

31. It being a standing Colonial Order that no person shall purchase or otherwise possess himself of the Necessaries or Bedding, issued from the Government Stores to the King's Troops, or of the Slop Clothing or bedding, issued to Convicts, or of any other description of Stores, belonging to and issued by Government, All those Articles being the Property of the Crown as well after being issued as before it, Sailors are Cautioned not to Purchase or otherwise possess themselves of such Articles under Pain of being Prosecuted and Punished for receiving and possessing Stolen Goods.

No. 32—formerly No. 27.

32. The Natives of N. S. Wales are to be treated in every respect as Europeans; and any injury or Violence, done or offered to the Men or Women Natives, will be Punished in like Manner and in equal degree as if done to any of His Majesty's Subjects. And No Spirits, Wine, Beer or other intoxicating Liquor is to be Sold or given on board of any Vessel to a Native.

No. 33—formerly No. 28.

33. Persons, dying on board Ship in the Harbour, are to be put in Coffins and Sent on Shore for interment at the regular Burial Ground.

No. 34—formerly No. 29.

34. The Master or Commander of every Ship or Vessel lying in Sydney Cove, from whence Iron hoops, Stones, Gravel, Ballast or Rubbish of any kind are thrown overboard any where *below High Water Mark*, will on Conviction be fined for each Offence the Sum of Five Pounds Sterling.

No. 35—formerly No. 30.

1815.
24 Feb.Draft of
proposed
port regulations.

35. No Ship or Vessel is to Unmoor or quit her Anchorage in Sydney Cove, until She is ready to proceed to Sea, and shall have obtained a Clearance for that Purpose under the Penalty of £500 Sterling to be levied from the Master or Commander of such Vessel. And no Vessel, after having cleared out and Sailed from Sydney Cove, is to come to Anchor again within the Heads or Harbour of Port Jackson, unless in Case of some unforeseen Accident or being prevented by Wind or Weather from pursuing her Voyage; Neither is any Vessel to admit of Boats going alongside of her when under Weigh, or after having again Come to Anchor within the Harbour, under the Penalty of Fifty Pounds to be levied off the Parties to the Bond, herein before Mentioned, and resident at Sydney.

No. 36—formerly No. 31.

36. Any Vessel, anchoring within the heads of Port Jackson under the Circumstances expressed in the foregoing Regulation, is not again to weigh Anchor, until a fresh Permission shall be obtained from the Naval Officer under a Penalty of £500 to be levied off the Parties to the Bond, who are resident at Sydney.

No. 37—formerly No. 32.

37. If the Governor shall consider it necessary to detain a Vessel for the purpose of sending Dispatches on board of her, or for any other Reasons, after she shall have obtained a Clearance, the Master or Commander is to consider a Verbal Message (if delivered by any Civil, Military or Naval Officer) as a regular Communication of *His* desire on that head, and is not then to proceed to Sea until a renewed Authority shall be Conveyed to Him for that purpose under Pain of being excluded from entering or trading to this Port for the future and his Vessel fired on from the Batteries or any Armed Vessels in the Harbour.

N.B.—Nos. 33 and 34 of Old Regulations are rendered unnecessary by the Opening of the Ports.

No. 38—formerly No. 35.

38. Vessels lying at Anchor within the Harbour of Port Jackson are to keep Watch or Guard on board; both by Night and day, in the following Proportion:—

If Under 100 Tons Register Meas't, Two Men.

All Vessels of 100 Tons and upwards, Four Men.

And Masters or Commanders will be responsible for the Sufficiency of said Guard or Watch, and also for the Conduct of their respective Officers and Crews, so far as respects their paying due Obedience to these Regulations, under the Penalty of £20 for

1815.
24 Feb.

Draft of
proposed
port regulations.

each Offence committed by them or any of them against the said Regulations; and the same Responsibility and Penalty will attach to the Secreting on board any Convict or Convicts agreeably to the 16th of George 2, Chap. 51.

No. 39—formerly No. 41.

39. If it shall appear that any Goods Wares or Merchandize, other than what have been specified in a Ship or Vessels Manifest or in the Entry of her Cargo with the Naval Officer, shall be landed from any Ship or Vessel within the Harbour of Port Jackson, or on any part of the Coast of N. S. Wales, the same will be considered as Smuggled; and the Vessel and Goods, so landed, will be both forfeited to the Crown. And should the Wharfinger or other Officer, whose duty required him to guard against Smuggling, be Convicted of being Accessory or privy to such Smuggling, He will be dismissed from his Office, and Sentenced to Twelve Months Imprisonment. Any Carman, Carter, Porter or other Person assistant in Smuggling will be wrought in the Gaol Gang for Six Months, And All Horses, Cars or Carts, so employed, will be Confiscated.

No. 40—formerly No. 42.

40. All Duties, to be collected on Spirits, Goods, Wares or Merchandize of whatever Nature, On Entry at Sydney, are to be paid either in *Sterling Money*, Government Dollars, Commisary's Notes, Or the Military Pay Master's Notes.

No. 41—New.

41. The Masters of Ships or Vessels, to whom Letters or Packets shall be entrusted from this Government for the Governor General of India or the Secretary of that Government, or for any Foreign Settlement or place for which they may be bound, will not be granted a Port Clearance, until they shall have executed a Penalty Bond for the Amount of £250 Sterl'g to deliver such Letters or Packets on their Arrival in India, or elsewhere, as the Case may be, either to the Secretary of the Government or such other Officer as may be there duly authorized to demand and receive the Same. And they are to bring with them, On their return to Port Jackson, a Certificate from the Proper Officer of His having received such Letters or Packets.

No. 42—formerly No. 40.

42. The Naval Officer is to make a written report, according to the prescribed Form, to His Excellency the Governor, or in His Absence to the Lieutenant Governor, or Senior Officer in Command, of the Arrivals of All Ships or Vessels, whether

British, Colonial, Indian or Foreign, which may arrive at Port Jackson, and said report is to be made with the least possible delay after said Arrival.

1815.
24 Feb.
—
Draft of
proposed
port regulations.

No. 43—formerly Nos. 36 and 37.

43. All Vessels, using the Mooring Chains or Buoys in Sydney Cove, are to Pay for the same at the rate of Twenty One Shillings Per Week, and for Occupying the Heaving down place, fifteen Shillings Per Day.

No. 44—New.

44. The Rates of Pilotage on Ships or Vessels into and out of the Harbour of Port Jackson from or to a distance of Two Leagues to Six are as follow:—

	£	s.	d.		£	s.	d.		£	s.	d.
Under 7 feet	4	0	0	14 feet	8	0	0	18 feet	11	16	0
From 7 to 10 feet	5	10	0	15 feet	8	10	0	19 feet	12	10	0
11 feet	5	15	0	16 feet	9	10	0	20 feet	14	0	0
12 feet	6	16	0	17 feet	10	5	0	Upwards	15	0	0
13 feet	7	5	0								

Ships, not having British or East India Company's Registers, to pay One fourth more of the rates of Pilotage than above stated, unless chiefly laden with Corn or other Provisions not on Account of Government.

For half a foot exceeding the above Draughts of Water, the Medium Price between those limits is to be charged, And nothing under half a foot to be charged.

N.B.—Pilots, when they take charge of any Vessel, are to remain on board three Complete days without any Compensation, while such Vessel may be detained by any Casualty, and are not then to quit such Vessel, or demand any Compensation for further detention, if further detained by Winds, Weather or Tides; nor are they at liberty to quit any Vessel, if detained beyond three complete days on other Account than Winds, Weather, or Tides, provided a Compensation of Eight Shillings Per day be offered to them by the Master or Owners for any further time such Vessel may be detained.

No. 45—New.

45. The Fees to be Paid the Harbour Master for removing a Ship or Vessel from her Anchorage or Moorings to other Anchorage or Moorings, not being for the purpose of proceeding on her Voyage, are to be

	£	s.	d.
For any Ship or Vessel under 200 Tons Burthen pr. Register ...	0	15	0
200 „ to 300.....	1	0	0
300 „ to 400.....	1	10	0
400 „ to 500.....	2	0	0
500 „ and upwards.....	2	10	0

1815.
24 Feb.

Draft of
proposed
port regulations.

No. 46—formerly No. 43.

46. All Duties, prescribed in these Regulations for the Naval Officer to perform, may in like Manner be performed by His Deputy or Assistant, when He is not himself present; And the said Deputy or Assistant Naval Officer is to be respected Accordingly.

No. 47—formerly No. 44.

47. These Regulations and Orders, as far as they can be supplied, are to be given by the Naval Officer or his Deputy or Assistant to the Masters or Commanders of all Vessels on arrival in Port Jackson; but if the Contrary should happen, it is directed that it shall be no excuse for any disobedience of them, as they will be hung up in a Public Situation in the Office of the Naval Officer or His Deputy or Assistant, where All may have access to them. And a Table of the Fees, Assessments, Duties, etc., to which Masters or Commanders of Vessels and Cargoes are liable, is hung up in the Secretary's Office, And in that of the Naval Officer.

48—New.

48. None of the Silver or Copper Coin, now Current in this Colony and intended to remain within it in constant Circulation, is to be exported from it by any Person whatsoever, or in any Ship or Vessel Trading to or from this Territory, under pain of incurring the Penalty Specified in the Proclamation of His Excellency the Governor, under date the 1st of July, 1813; an extract of which, as far as relates to the established Current Coins of the Colony, is to be furnished to the Master or Commander of every Ship or Vessel on its arrival in this Port by the Naval Officer or his Assistant, along with a Copy of these Port Regulations, and such Master or Commander is to execute the Bond required in the said Proclamation before the Admission Flag is permitted to be Hoisted.

49—New.

49. All Fines, herein directed to be levied, are to be collected by the Naval Officer, and paid to the Treasurer of the Colonial Police Fund for the Use of the said Fund.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 8.]

JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Judge Advocate's Office, Sydney,

New South Wales, 11th January, 1815.

Sir,

I had the honor of receiving yesterday Your Excellency's Letter, dated the 9th Inst., on the Subject of the Port Regu-

lations, together with the accompanying Papers therein mentioned, all which I have carefully perused, and have to inform you that, for the reasons I have now the honor of Submitting to your Excellency, I cannot consistently with my ideas of my duty to my Sovereign, or to my own Conscience, undertake to frame the Port Regulations in the Manner and on the Principle proposed by Your Excellency in the Manuscript Draft you have done me the Honor to lay before Me.

1815.
24 Feb.

Bent's refusal to
revise draft
regulations.

I feel myself called upon to state that I do not consider it to be a part of my Official duty to draw up *the Regulations or bye-laws* of the Colony, as such an occupation is incompatible with my various Judicial duties, and more properly belongs to Your Excellency's Secretary. It is true that, from motives of Courtesy to Your Excellency, and regard to His Majesty's Service, I have at Your Excellency's request frequently been so employed; and the same Motives would prevent me from making any objections on the present occasion if I could conscientiously comply with your wishes, and if the task, required of me, did not interfere with my other duties.

Reasons for
refusal.

His Majesty has been graciously pleased to confer upon Me the Offices of Judge of the Court of Vice Admiralty, and Judge Advocate in the Territory. By Virtue of the first Office, I have to exercise various and important judicial functions. By Virtue of my Office as Judge Advocate, I am a Magistrate throughout the Territory, and have to Officiate at General Courts Martial whenever called upon by Your Excellency, to Preside at the Chief Criminal tribunal in the Colony, at One of the Civil Courts of the Territory and judicially to assist at the Court of Appeal. To these duties, I may also add that of giving my legal opinion to Your Excellency on such Matters as you may think proper to Submit to me for that purpose. These Various duties are as much as One Man can properly perform, and I hope are Sufficiently laborious to excuse my declining other labours not distinctly attached to my Office, and which I never did or could imagine would be required of me.

Duties of
Ellis Bent.

On the present occasion I have, to the utmost of my ability, furnished Your Excellency with my observations on the proposed Port Regulations, and beg leave to say some of them deviated so much from the known laws of the realm, that I do not think they can legally be enforced by Your Excellency's authority alone. Having such an Opinion as well in the Character of your legal adviser, as in that of a Judge, I must confess I feel greatly hurt at being called upon by Your Excellency to put them into legal

Alleged
illegality of
proposed port
regulations.

1815.
24 Feb.

Reasons for
Bent's refusal
to frame
regulations
from draft.

form. If Your Excellency differs with me as to the legality of these Regulations, and chooses to take upon yourself the responsibility of Acting contrary to My Opinion, I think it becomes a delicacy due to my judicial Character to select some other Person to draw them up; for whatever may be the Consequence, I cannot in the due discharge of My Duty to my Sovereign, or to my own conscience, consent to attempt to give legal form to that which is illegal, or to frame or draw up regulations, many of which, in the due exercise of my functions as a Judge, and with proper regard to My Oath to administer justice according to Law, I cannot enforce in my Judicial capacity. In my own Opinion I should be guilty of the greatest possible duplicity, and be unworthy either of His Majesty's or Your Excellency's Confidence, if I could prevail upon Myself to draw up the regulations proposed by Your Excellency after the opinion which I have given of them. Your Excellency will excuse me for saying that Your Order would be no justification to me in my own eyes or in the Opinion of His Majesty's Ministers, more particularly if I am right in my Opinion that it is no part of my Official duty to draw up Your Excellency's regulations.

Probable
questioning
of legality of
regulations
in court.

I would wish to impress upon Your Excellency's mind that I may be called upon to decide as a Judge in the Court of Vice Admiralty, at one of the Civil Courts, or at the Criminal Court, and to give a judicial opinion at the Court of Appeal, on some of these Orders, when it will be my duty to enquire whether they are repugnant to or in conformity with the laws of the realm, and to give my Opinion accordingly. I would therefore suggest how far it may be prudent hastily to promulgate a Code of regulations, not immediately urgent, on the legality of which serious doubts may be entertained by the Principal Judges of His Majesty's Courts of Justice here.

When this Matter shall be submitted to His Majesty's Ministers, I feel the fullest Confidence that ample justice will be done to the Motives and the Purity of intention, which influence me on this Occasion, And while I am under the painful necessity of returning the inclosed Papers to Your Excellency, I cannot omit adding that I have been, and am always, most ready and willing to assist Your Excellency with My Opinion and advice on every Subject whenever called upon, and anxious to promote, as far as in me lies, the honor and welfare of your Government.

I have, &c.,

ELLIS BENT.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1815," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

1815.
1 March.

My Lord, Government House, Sydney, 1st March, 1815.

1. I should not have Intruded on Your Lordship's Attention on the present Occasion, or Considered it Necessary to have troubled You at all, on a Subject so unimportant in a public Point of View, as the Unreasonable and Unfounded Claims* lately Set Up against this Government by Mr. John Blaxland, a Free Settler in this Colony, had not that Gentleman in a Letter addressed to me on the 3d of January last, taxed me in plain Terms with having Acted with Injustice towards him in the making good the Engagements of His Majesty's Ministers, and at the same time, in Terms equally rude and Offensive, threatened to Appeal to His Majesty's present Ministers for Redress of his Alledged Injuries.

Claims made by
John Blaxland
on government.

2. In order that Your Lordship may be enabled, Immediately on the Receipt of the Charges, which Mr. Blaxland may be Induced to transmit on this Occasion, to judge how far they are founded in Justice or in Truth, I beg to State that I have in the Amplest Degree made Good in every particular the Engagements formerly Entered into with him by Lord Castlereagh, One of Your Lordship's Predecessors in the Colonial Department, and that in order to get rid of his Importunities and Unreasonable Demands, I have made him Concessions, even far beyond what he Could Shew any just or legal Claim to.

Settlement of
Blaxland's
legal claims.

3. Mr. Blaxland, in Obtaining the Very important Indulgences which were Conferred on him by Lord Castlereagh, had Stipulated to Expend the Sum of £6,000 Sterling in the Clearing and Cultivating the Lands which he was to Obtain on his Arrival here, and these were the express Terms on which he was finally to receive a Grant of 8,000 Acres of Land. The Arrest of Governor Bligh Necessarily Suspended the fulfilment of these Engagements on One Side or the Other, so that it Eventually devolved upon Me to give Effect to the Intentions of His Majesty's Ministers in favor of Mr. Blaxland.

Terms of
land grants to
Blaxland.

4. Immediately on this Gentleman's Return from England, whither he had gone during the Suspension of Govr. Bligh, I authorized him to Select Land, wherever he should find it *Unappropriated* to the Extent of his Claim, and told him that I should make him a Grant of it in due Form. At the same time, however, I Cautioned him not to fix upon any Lands which had been already Located to any other Individual or appropriated by Government for any public purpose, either as a Commonage or for the Erecting of a New Town-ship on.

Land to be
selected by
Blaxland.

* Note 95.

1815.
1 March.

Selection
of land by
Blaxland.

5. Notwithstanding this Caution, which would appear almost Unnecessary to give any other Person, Mr. Blaxland fixed on a large Tract,* and as he States in his Letter of the 3d January, had Cleared a Small part of it, previous to his Making any Communication to the Government Surveyor in Order to ascertain whether the Land so occupied by him was otherwise Appropriated or not. When the Surveyor was at length brought to the Ground, he discovered that a part of that Chosen by Mr. Blaxland had been previously assigned by Me as a Commonage for the large and improving District Wherein it was situated, and of Course that Mr. Blaxland must relinquish the Idea of retaining it.

Unqualified
assertions by
Blaxland.

6. This Circumstance Mr. Blaxland dwells on in his Letter of the 3d January, as a Complaint *Against my Justice*, without having the Candor to avow the Circumstances which I have above adverted to, and in his other Assertions, Altho' I do not feel it necessary to trouble Your Lordship with the following him thro' them in detail, I solemnly Assure You he is equally Unreasonable and Uncandid.

Transmission of
correspondence.

7. The Letters, which have passed between Mr. Blaxland and me thro' the Medium of My Secretary, include every thing of Importance on this Subject and I therefore do Myself the Honor to transmit herewith Attested Copies of them for Your Lordship's Perusal and Information, together with a Copy of the Commissary's Account of Government Men in the Employ of Mr. John Blaxland and his Brother and Partner, Mr. Gregory Blaxland.

Probable
reasons for
Blaxland's
actions.

8. In fact I have done so much for Mr. Blaxland in forwarding his Views and in Making good to him the Stipulations of His Majesty's Ministers, that I can now only Attribute his bringing forward the present Complaint, and unfounded Claims, to the Circumstance of My having Instructed the Commissary to keep one General Account for the Convicts Assigned to him and his Brother Gregory Blaxland, with whom he was in partnership, and who Managed their joint Concerns during Mr. John Blaxland's Absence from hence. This Measure was on my part Absolutely Necessary, as it was totally impossible for the Commissary to enter into the private Application of the Men, so assigned, whether they were for the Benefit of the One or the other of them Exclusively.

Government
men assigned
to the Messrs.
Blaxland.

9. The Men, thus Assigned to the Agent and Partner of Mr. John Blaxland, were for the joint Advantage of both, in proportion to their respective Claims on this Governm't, and the Subsequent Application of them Could not possibly rest with this Government. I have indeed learned that a Dispute on this Subject arose between the Brothers on Mr. John Blaxland's

Return from England, and in Consequence of it this latter attempts to disclaim All Benefit from the Services of the Men Assigned in his Absence. This Attempt has of Course been resisted by me, as I Could not Consider Myself at Liberty to Yield a point of so much Importance, and I therefore directed the Commissary to make up their joint Account in the form Your Lordship will now receive it.

1815.
1 March.
Blaxland's disclaimer of servants assigned.

10. This Account was made up to the 25th of November last, and was furnished to Mr. John Blaxland on the 27th of the following Month, and Accompanied with a Communication that the period, at which his Convict Servants would Cease to be Victualled at the Expence of the Crown, would be on the 1st of the present Month of March, which Communication gave Rise to the Correspondence herewith transmitted for Your Lordship's Consideration.

Account of Blaxland's government servants.

11. I beg now to add that the great Expence the Crown has been put to on Account of the Messrs. Blaxlands, and particularly on Account of the Elder Brother, John Blaxland, has been most ungratefully acknowledged by him. His Conduct being on All Occasions (where Intercourse with him was necessary on the part of the Government) troublesome, Insolent and turbulent.

Dissatisfaction of John Blaxland.

12. In the original Engagement between His Majesty's Secretary of State for the Colonies and Messrs. John and Gregory Blaxland, the latter had made a Solemn Stipulation, in Return for the Extraordinary Benefits Conferred on them, to Expend in Clearing and Cultivating the Lands to be assigned to them the Sum of £9,000 Sterling, in the proportion of £6,000 to John and £3,000 to Gregory Blaxland; but Notwithstanding that they have Sworn* that they Actually possessed property here to those, and even much larger Amounts, it has been fully and Clearly ascertained that their Estimates of Property have been fictitious, and consequently that their Conduct on that Score has been a palpable Imposition on Government. I need not trouble Your Lordship with any other proof of this fact than that both John and Gregory Blaxland are at this time Virtually in a State of Insolvency, being deeply Involved in Debt, and Unable to take up their Notes of Hand which they Issued here (so long as their Credit enabled them) to a very large Amount.

Terms of the Blaxlands' agreement.

Impositions practised by the Blaxlands.

Insolvency of the Blaxlands.

13. Having, My Lord, entered so far into the Recital of Messrs. Blaxland's Conduct and Progress in this Colony, I have now only to Sum up what I have already dwelt on by assuring Your Lordship that, Notwithstanding All the very great and liberal Advantages Conferred on these Gentlemen by Governm't in Lands, Men and Cattle, they have continued Lazy discontented

General conduct of the Blaxlands.

* Note 95.

1815.
1 March.

Drones, never having yet made any real or Useful Improvements on their Extensive Possessions, or in any other way benefitted the Colony since their Arrival in it, now nearly Nine Years ago.

Proof of John
Blaxland's
misconduct.

14. I trust the present Communication will enable Your Lordship to Judge fully of the Insolence and Fallacy of Mr. John Blaxland's Representations in regard to my Treatment of him, and that Your Lordship will thereon be pleased to treat him with that marked Disapprobation which will prevent their Repetition.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. JOHN BLAXLAND TO GOVERNOR MACQUARIE.

Sir,

Parramatta, 3d Jany., 1815.

Blaxland's
government
men to be
discontinued.

It is with much concern that I am again compelled to address you on the Subject of my Government Men, having received a Second calculation made by Mr. Broughton, differing very materially from the former one, and approved by Your Excellency, stating that after the first of March next, I should have no more Men either fed or clothed at the Public Expence.

Injustice alleged
against
Macquarie.

Much has been said on this Subject between us, and I am sorry to find your Excellency appears as much determined as ever to lessen those advantages intended for me by Agreement made with His Majesty's Ministers previous to my leaving England; to whose generosity and Justice I must again appeal; but I will once more mention those circumstances to your Excellency, wherein I feel you have acted with injustice towards me, hoping on a future view of the Subject, you will be induced to think different, and prevent my again troubling them.

Alleged breach
of agreement
re cattle.

The first thing I have to Complain of is that I never received a fair proportion of Cattle, to prove which, I must refer your Excellency to my Agreement,* and that of my Brother's, made with His Majesty's Ministers previous to our leaving England, which you will perceive are Separate and distinct, and the Indulgences each was to obtain were to be guided by the Capital each was to advance, that he advancing half as much Capital was to receive half the proportionate indulgences. And how can Justice have been dealt out towards me when he obtained Seventy head of Cows, and I but sixty; he came with his family to the Colony in a Transport, at the Government expence, and were all victualled on the Stores 18 Months, I found my own passage, brought 11 Persons to the Colony at my own expence, none of which were ever on the Store, which Circumstance Mr. Windham took into consideration, and in his letter to Governor Bligh, dated the 31st of July, 1806, directed that I should be remunerated.

* Note 95.

Your Excellency has said that there were no specific numbers mentioned in my Agreement; that omission was in consequence of my being assured at the Secretary of State's Office, when that subject was under discussion, that I could obtain as many Cows as I wished, as the Governor had directions to distribute them.

1815.
1 March.
Alleged breach
of agreement
re cattle.

My next complaint is that on my return from England I applied to Your Excellency for my Land; the Surveyor being then absent, you permitted me to make a Selection, to be taken in two Allotments; that I proceeded to clear some ground, and had as far as I can judge fallen upwards of Sixty Acres, but when the Surveyor measured the Grant he insisted on measuring it all in one, and said the Land fallen was to be reserved by your Excellency as a Common; by which circumstance the whole of my labour and expence has been lost to me; but to add to the evil, my Land, not being before measured, was fed by other persons Stock and many of mine perished for want of that very food so taken to the amount of several hundreds of Pounds, and which Circumstance greatly retarded my Agricultural pursuits, and has kept me very backward in that respect. And I must now observe to your Excellency that you are wishing to deprive me of a large proportion of the advantages of my Men by having suffered my Brother to have more than his Agreement stipulated, and including that time in mine.

Selection
of land by
Blaxland.

Alleged losses
of cattle.

In the first place, my Brother's Men, according to the account against him, began in May, 1806, and our Co-partnership did not commence before Augt., 1808; during which time he had a considerable proportion of Men; in the next place, I wrote to your Excellency a letter, dated the 13th of Octr., 1813, saying "it would be presumption in me to dictate to your Excellency whether my Brother's term for having his men victualled on the Store was expired or not, but that I had had some conversation with Mr. Broughton, the Acting Commissary, who said, if that was the case, he should be charged for any extra food he might have drawn"; to which letter I received for answer that your Excellency could not interfere, and his Men were continued on the Store a considerable time afterwards; and I must beg leave to ask your Excellency why so great a length of time was suffered to elapse, as from May 1806 to the time in which you directed an Investigation to take place respecting the time each had derived those advantages, and why, from so great a neglect in the Commissariat Department, an error being discovered, that I should be made to suffer the loss, notwithstanding I had complained to you as Governor of the Colony, of the incorrectness of the proceeding and prayed for redress; under the existing circumstances, it will fall very heavy on me; as I had not any Land measured

Government
men assigned
to the Messrs.
Blaxland.

1815.
1 March.
Government
men assigned
to the Messrs.
Blaxland.

that was fit for cultivation till the 1st of Novr., 1813, I could not therefore derive the advantages from their labour which was intended by my Agreement. Your Excellency has said that, my Brother and myself being in Partnership for a time, you considered us as one and the Same, but in reply, I again state that the Men were drawn separate and distinct, he claiming at the expiration of the time the Men given to him, and which Men he took from me; That the Accounts as you may perceive were always kept separate, for Your Excellency appears to have none at the commencement, but what were furnished by us.

Explanation
of signature
to accounts.

With regard to Mr. Broughton's remark of the Accounts being signed by me, which he seems to think of so much importance that an advantage can be taken of it, I must reply, that we were called upon to render Accounts of the Number of Men each had had, clothed and fed by Government, and what length of time; that the Accounts were so made out, and if I did sign them, which might have been the case in the absence of my Brother, it was done with no other view than that I would not retard the business of the Public Office, for I never could approve of a transaction that would do so great an injustice to myself.

Alleged
discrepancies in
Broughton's
accounts.

But there appears a marked determination on the part of Mr. Broughton to shorten the time as much as possible, for he has made his calculation up to the 25th of Novr., 1814, when there were 21 Men victualled; but had he only looked at his Books on the 10th of the next month, the following time I drew the Men's Rations, he would have found but 19 men drawn for, and I must remark to Your Excellency that he is very wrong in his calculations, having made a great difference between his two Accounts officially sent me, from the latter of which your Excellency has drawn your conclusions; he is again very considerably in an error to my Brother's disadvantage, and in his calculations against me he is likewise incorrect; such repeated mistakes are very injurious to individuals, but if the Accounts of the Public are kept in the same way, it is of great importance to the Government.

Allegations
against Wm.
Broughton.

I cannot conclude without informing your Excellency of Mr. Broughton's great incivility to me on a former occasion, when I went to the Office to ask to have my name inserted with others on the list to supply in my turn His Majesty's Stores with meat, to which request I received a positive denial; but Mr. Broughton often turns in very large quantities, which is very injurious to the Settler, who has nothing but his Stock and Crops to look to, to make good his payments, which in consequence cannot be made; and his property is destroyed by the operation of the Law, when

the other is amply remunerated by the Government for his Services, And the Act itself is a direct violation of your Excellency's Order on that head.

1815.
1 March.

I have, &c.,

J. BLAXLAND.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

[A] SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 5th Jany., 1815.

I have it in Command to inform you that the Governor has received your Letter of the 3d Inst., and to Convey to you His Excellency's Sentiments thereon.

If this Letter had been only objectionable on Account of the very offensive and disrespectful language in which it is expressed, His Excellency would have been disposed to pass over that circumstance without a Comment; but the extraordinary Misrepresentation of facts in regard to his Conduct towards you, combined with the threat held out that you will appeal for redress of the alledged grievances to His Majesty's Ministers, require that some Notice should be now taken of the former, and that all further Correspondence on that Subject with you should cease.

Blaxland's mis-
representations.

The Governor cannot avoid considering it a wilful Misrepresentation when you state that He gave you Authority to Select your Land where-ever you pleased—the Permission to Select Land, you must be fully aware, both was, and could only be, *Conditional*, And the Condition was, that you should have such Land as you might Select, *Provided* it was not previously located or assigned to some public Purpose.

Conditions
of selection
of land by
Blaxland.

The Land that you chose to Select having been previously assigned as a Commonage, you could not of course expect it to be diverted from that purpose for your Private advantage, and therefore your Complaint on that Score is as unreasonable as it is unfounded in point of fact.

Incorrectness
of complaint.

The Governor, having in every particular fulfilled the Agreement entered into with you by His Majesty's Ministers in the true and liberal Spirit thereof, cannot for a Moment admit that you have any real grievance to complain of. And whilst He feels satisfied that you have been thus liberally dealt with by His Majesty's Government, He must observe that the Colony has derived no Advantage whatever either from your exertions, or those of your Brother under similar circumstances, as Agriculturalists, neither have you shewn any useful example as Farmers since your Settlement in the Country.

Repudiation
of all claims.

1815.
1 March.
Allegations
against
Broughton
unfounded.

The Governor has every reason to believe that the insinuations made in the concluding part of your Letter respecting Mr. Broughton are unfounded and therefore very unwarrantable on your part.

I have, &c.,
JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[B] SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 6th Jany., 1815.

In Conveying to you the Governor's Sentiments in my Letter of yesterday, and in answer to yours of the 3d Inst., I find I accidentally omitted one part of His Excellency's Instructions which I now beg leave to set right as a continuance of the Letter of Yesterday.

Government
men allowed to
John Blaxland.

You state in one of the latter passages of your Letter that Mr. Broughton shews a Disposition to abridge the time you are entitled to retain your Government Men, and, as a Proof of this, you mention that his (Mr. Broughton's) Calculation was made up to the 25th of Novr. last when you had 21 Men Victualled, but had he looked to his Books on the 10th of the next Month He would have found that you had at that time only 19 Men Victualled, and from this you infer that Mr. Broughton meant to deal unfairly by you; but candour must admit that in an Account made up (as you state yourself) on the 25th of Noyemr. it was totally impossible for him to anticipate the changes that might take place in your Muster roll on the 10th of the succeeding Month, and therefore no imputation can possibly rest against his Conduct therein. I have now only to add that whatever deficiency may have occurred in your List of Government Men Victualled by the Crown, will be made good to you on the final Settlement, when the same shall be Vouched by Mr. Assistant Commissary Broughton.

I have, &c.,
JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

MR. JOHN BLAXLAND TO SECRETARY CAMPBELL.

Sir, Sydney, 1st June, 1812.

In the course of my excursion up the Country I have seen some Land which appears unappropriated lying at a place called Cobbotty, and a further tract at Mulgowie, and Stoney Range, at

Selection
of land by
John Blaxland.

which place I hope Your Excellency will not object to my taking what remains due to me, having already expended £15,000 in the Colony.

I have, &c.,

J. BLAXLAND.

1815.
1 March.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

MR. JOHN BLAXLAND TO GOVERNOR MACQUARIE.

Sir, Parramatta, 14th Jany., 1815.

Much as I wish to obey Your Excellency's Commands on all Occasions, I cannot in the present instance be silent under the observations made to me through Your Secretary in a Letter, dated the 5th Inst., there being Circumstances which I can call to your recollection which will place My Letter of the 3d Inst. in a different point of view, and as it is incumbent on me to endeavour to obtain from you, as Governor of the Colony, the fulfilment of my agreement made with His Majesty's Ministers previous to my leaving England, so it is necessary that I should endeavour to correct any errors previous to my submitting my Complaints to them, and to disclaim against wishing that my correspondence with you should be disrespectful, or my language offensive.

Blaxland's
insistence on
his claims.

Your Excellency appears to have forgot a Letter I wrote to you on the subject of my Land, dated June 1st, 1812, a Copy of which I have the honor now to enclose, to which I did not receive an answer; but I waited on you a short time afterwards to know your pleasure thereon, when you told me that I could not have any Land measured in three separate Grants, but consented that I should have it in two, and the Stoney Range, and Mulgowie, was approved by Your Excellency for that purpose, that I waited on Your Excellency a Second time complaining that Mr. Nichols was going to erect a Stock Yard near to the Stoney Range where I had then begun to fall, and that I expected it might interfere with that Grant, and that I hoped before he went to any expence, Your Excellency would direct him to desist, which was the case, as he met me afterwards, and was angry for my having so complained; some of the timber he had collected to make his Yard now remains and it is called by the Stockmen "Nichols Folly" to this day; and I cannot help remarking to Your Excellency that the very spot I had fallen should be the beginning of the Common, as my Grant forms the side line of the fallen Timber on one side and Captain Piper takes his side line through a small part of it on the other, which circumstances must have escaped Your Excellency's recollection, for I most positively

Particulars
relating to
selection of land
by Blaxland.

1815.
1 March.

assert, that I did not proceed to fall the Timber without your approval. I cannot therefore have made any misrepresentation, neither is my assertion unfounded.

Adverse
criticism
resented.

Your Excellency stating that I have been dealt with so liberally must rest with His Majesty's Ministers to determine, as I consider I have been treated quite the reverse; but I cannot pass over your observation respecting the Advantages the Colony expected to reap from my exertions as an Agriculturalist, when I have been kept out of any Land fit for that purpose, till the 1st of August, 1813, since which time I have made very great improvements on the Grant, having fallen 88 Acres, a considerable quantity of which is now cropped; neither can my Brother, and myself, be looked upon as Idle persons since we came into the Colony, having during the Partnership, and since, reared 1,168 Head of Cattle, 60 Horses, 4,773 Sheep, a great number of Hogs, which circumstance must have assisted Your Excellency in reducing the Price of Meat so low as Seven pence Per lb., instead of three Shillings, which was the Price on my Arrival here; that we have kept Three Teams of Oxen, besides Horses, and many Men constantly employed in Agriculture; but Your Excellency does not sufficiently encourage the Agriculturalist, or there would have been no necessity to feed the People with wheat Imported from India at this Moment, when it can be grown in any quantities in the Colony, and in that Sentiment I am supported by almost every Settler in the Colony.

Pastoral and
agricultural
activities of
the Blaxlands.

Re-assertion of
allegations
against
Broughton.

In Your Excellency's observation respecting my remarks to Mr. Broughton, I can only reply, that I am not in the habit of misrepresenting, or asserting falsehoods, the truth of which can be ascertained by Your Excellency's allowing me to prove the Circumstances stated in my Letter of the 3d Inst.

I have, &c.,
J. BLAXLAND.

[Enclosure No. 5.]

SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 17th Jany., 1815.

Macquarie's
refusal of
further
correspondence.

In replying to your Letter of the 14th Inst., I have merely to communicate that His Excellency the Governor, having already most literally fulfilled the Agreement entered into by His Majesty's Ministers with you and your Brother, He cannot admit of his time being further encroached on and occupied by frivolous and altogether groundless complaints, such as He has lately received from you, His Excellency therefore desires to refer you to the letters I had the honor of addressing from Him

to you under Dates the 5th and 6th Instants for His sentiments and intentions, and He must expect from you that all further correspondence on this Subject shall now cease.

1815.
1 March.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

ACCOUNT of Prisoners, victualled by Government in the Service of Gregory and John Blaxlands Esquires.

Account of prisoners victualled by government allowed to the Messrs. Blaxland.

[*This statement contained the names and particulars of all convicts assigned to the Messrs. Blaxland, of which the following is the summary.*]

Mr. Gregory Blaxland.

No. of Men Victualled	31
No. of Days Do.	25,796

Mr. John Blaxland.

No. of Men Victualled	47
No. of Days do.	37,996

Memorandum.

It appears from Mr. Gregory Blaxland's agreement he was to have the labour of Forty Men, to be Clothed and Victualled at the expence of the Crown for the space of Eighteen Months, and Mr. John Blaxland's agreement, he was to receive the Labour of Eighty Men to be Clothed and Victualled for Eighteen Months in like Manner. Mr. John Blaxland left the Colony in September, 1808, and did not return until the Month of May, 1812, but Mr. Gregory Blaxland, who was the Partner of and Agent to his Brother John occasionally made draughts of Men in his Absence, from the Convicts, which arrived from England, making no distinction at the time of drawing them, with regard to the Numbers intended for each, but received them for the joint Concern, and appropriated their Labour to such purposes as he thought proper; consequently no Account but a joint one could be kept; it however appears from their own Returns, on which this Account is formed, that Mr. Gregory Blaxland appropriated 3,896 days labour for One Man, beyond what he was entitled to by his Agreement, to his separate use and Advantage, which was a Circumstance the Government of the Colony could neither foresee or prevent, and as Mr. John Blaxland made choice of his Brother as an Agent for his Concerns during his Absence,

Memorandum relating to servants assigned to the Messrs. Blaxland.

1815.
1 March.
Memorandum
relating to
servants
assigned to
the Messrs.
Blaxland.

he must of course look to him for remuneration for the Labour appropriated for the separate use, and Advantage of his said Brother.

	Days.
40 Men for Gregory Blaxland for 18 Months is equal to	21,900
80 Men for John Blaxland for 18 Months is equal to	43,800
	<hr/> 65,700

Mr. G. Blaxland has received the Labour, Provisions, and Clothing	
for	25,796 Days
Mr. J. Blaxland has received Do. Do.	37,996
	<hr/> 63,792
Number of Days Labour and Provisions due	1,908
	<hr/> 65,700

It appears by Mr. Blaxland's returns, which are Corroborated by the Storekeeper, that there are now Twenty One Men in his employ, victualled at the expence of the Crown, they will of course be entitled to be victualled up to the first of March, 1815, which will compleat the victualling as per Agreement.

It is necessary to observe, that the List, on which Mr. Gregory Blaxland's account is formed, was not signed by him but by Mr. John Blaxland.

W. BROUGHTON, D.A.C. Genl.

Sydney, 25th November, 1814.

Appd.—L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 40, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 2d March, 1815.

Considerable inconvenience has been felt for some time past from the omission to transmit to this office annual Accounts of the several Convicts, transported to New So. Wales, with a Statement of their present Condition, and I have therefore to request that you would for the future transmit to me in each year a return of the Convicts, who were in the Colony at the date of your Arrival, and of those who may have arrived since the period of your assuming the Government; I enclose for your Guidance the form of such a General Return as I consider best calculated to enable me to answer the enquiries so frequently made by the Relatives of those, who have been transported.

I have, &c.,

BATHURST.

2 March.
General return
of convicts
in the colony
to be made.

[Enclosure.]

RETURN to be made on the 1st of January in every year to the Secretary of State for War and Colonies.

1815.
2 March.

Form for
annual return
of convicts.

No. of Convicts Alphabetically Arranged.	Date of Arrival in the Colony.	Period for which Transported.	How disposed of.	Whether still resident in the Colony.
		This column will state whether the Convict be Dead, escaped, pardoned, or liberated from his Period of Transportation; the period at which either took place.		

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Baring; acknowledged by Governor Macquarie.
18th March, 1816.)

Sir,

Downing Street, 2d March, 1815.

I am directed by Lord Bathurst to request that you will cause enquiry to be made with respect to the fate of Joseph Boneham, a Convict who was sentenced at the assizes at Northampton in the year 1809, and transported to the Colony in the year 1810 on board the Ship India, and would inform me whether he is alive or dead, and if alive in what Station or Condition.

Inquiry
relating to
Joseph
Boneham.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1815," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales,

My Lord,

16th March, 1815.

16 March.

1. It being My Most earnest Wish, in pursuance of the Instructions I have from time to time received from Your Lordship and Your Predecessors in Office, to lessen the Expences of this Colony by every practicable Means consistent with its prosperity and Safety, I must now beg leave to draw Your Lordship's Attention to a very Serious Article of Expence, which has recently been Incurred and added to the already very weighty Expences of this Colony, by the sending out the two Brigs, *Kangaroo*, and *Emu*, for the Service of it, on much higher and more expensive Establishments than their Services in this Country Can ever Compensate.

Expenditure
on the brigs
Kangaroo and
Emu.

2. On my Arrival in this Country and taking Charge of this Government, I found the Government Colonial Craft, consisting

1815.
16 March.

Survey of
the schooners
Estramina and
Resource.

Condition
of the Lady
Nelson and
Estramina.

Macquarie's
recommendation
for the building
and equipment
of two brigs.

Services
required of
colonial brigs.

Establishments
of the brigs
Kangaroo and
Emu.

of the Lady Nelson, Brig, and Schooners, Estramina and Resource, and, after having had them Minutely Surveyed, I directed them to be thoroughly repaired. The Committee of Survey reported to Me, however, that the two Schooners were so very old and All their Timbers so Much decayed, that they Could only be made Serviceable for a few Years; and indeed the Smaller Schooner Resource became so very rotten and Consequently so leaky, that I was under the Necessity of having her Condemned and Sold for whatever she would fetch. The Lady Nelson, Brig, is Still very Serviceable, and the Estramina, Schooner, with Occasional Repairs, will be Serviceable for a Couple of Years more. At the period, however, of My taking Charge of this Government, I did not believe that the Governm't Vessels I have just Mentioned would have Continued so long serviceable. I therefore wrote Home,* early in the Year 1810, to Lord Castlereagh, His Majesty's then principal Secretary of State for the Colonies, Submitting to His Lordship's Consideration the Expediency of Ordering to be built in England, and Sent out for the Service of this Colony, two small Brigs—one of 150, and the other of 120 Tons Burthen, on a moderate and Economical Establishment, Stating it as my Opinion that two such Vessels, together with those we had already, would be perfectly adequate for the Various Duties of the Colony. I also added at the same time that it was my Opinion that the whole Expense of these two Vessels would fall short of that of the Sloop of War, which had hitherto been kept on this Station, but which had rendered very little Service to the Colony. I therefore recommended that the Sloop of War might be entirely withdrawn, as the two Vessels Alluded to would be much more Useful to the Colony than any Single Ship of War that Could be Stationed here. In making the requisition for the two new Vessels, I took it for granted they would be placed on the Most Economical Establishment, Consistent with their Size and the Nature of the Service they were destined for, namely, Conveying Troops, Stores and Provisions from One Station to another, as also for bringing Grain from the River Hawkesbury, and Coals, Lime and Timber from the Settlement of Newcastle. These are the principal Services required to be performed by the Government Colonial Craft, and they are Indispensible.

3. The Establishments, on which the Brigs Kangaroo and Emu were built and Sent out to this Country, were totally different from what I wished and hoped they would have been, both in point of Size and Mode of Manning them. Both these Brigs are Commanded by Lieutenants in the Royal Navy, they have

* Note 97.

Surgeons, Captains' Clerks and other petty Officers, totally Unnecessary in this Country, Considering the Services required of them. The Kangaroo, being 220 Tons Burthen, is much too large for executing any Services between this and Newcastle and the Hawkesbury, drawing too great a Draft of Water for these Rivers; added to this, a great part of her Main Deck is taken up for the Accommodation of her Commander, his principal and petty Officers, thereby leaving very little Room for the Conveyance of Troops, or other passengers going from One Settlement to another.

1815.
16 March.

Adverse
criticism of
build of the
Kangaroo.

4. The Expence of the Brig Kangaroo, in particular, far Exceeds any Services she Can ever be able to perform for this Government, which Your Lordship will be better able to judge of when you have Compared the Services She has performed in this Country for the last twelve Months, with her Annual Expence, which falls little short of three thousand pounds Sterling, according to the following Statement, which is taken from the Reports and Accounts of her own Commander, Vizt.

Annual
expenditure
on the brig
Kangaroo.

Pay and Wages of Officers and Crew for 12 Months ...	£1,700	11	0
Provisions for do. for 12 Months	940	3	4
Stores of Various Descriptions, including Tear and			
Wear of do. Vessel for One Year, at a Moderate			
Compensation, not less	300	0	0

Kangaroo p. Ann. £2,940 14 4

5. In Enumerating the Services hitherto performed by the Brig Kangaroo for the last 12 Months, it is Necessary to presume that She Sailed from England for the Colony on the 2d of June, 1813, and, after having touched at Madeira, Rio Janeiro, and the Cape of Good Hope, Arrived at Port Jackson on the 10th of Jany., 1814, having been Seven Months and 8 days on her passage hither. The first Service, required of, and performed in this Country by the Kangaroo, was Completing the final Evacuation of Norfolk Island; on which Service I dispatched her the 3d of February, 1814, and She returned hither again on the 10th of the following Month of March, having Executed this Service very Expeditiously in the Short Space of five Weeks, and much to my Satisfaction in every other Respect. The Kangaroo was however Commanded on this Occasion by her Chief Officer, Mr. Martin, Lieut. Jeffreys, her Commander, having Applied for and obtained my Permission to remain at Sydney on Account of a severe Indisposition his Wife then laboured under.

Voyage of the
Kangaroo from
England.

Employment in
evacuation of
Norfolk island.

The Next Service required of the Kangaroo was to convey Sixty female Convicts and a few other passengers from hence to the Derwent. She Accordingly Sailed from this Port on her destined Voyage on the 29th of May, 1814, under the Command

Failure of the
Kangaroo to
make voyage
to Hobart.

1815.
16 March.

Failure of the
Kangaroo to
make voyage
to Hobart.

of Lieut. Jeffreys, and After an Absence of Sixty Six days, returned again to this Port, without having again been Able to make good her Passage to Van Diemen's Land, Altho' much Smaller, and far worse Manned Colonial Vessels made good their Passage to the Derwent about the same time.

Orders for
second voyage
to Tasmania.

Duration of
voyage to and
from Tasmania.

6. As Soon as the Kangaroo had repaired some Damages she Sustained during her last Unsuccessful Voyage (on which Occasion She had lost an Anchor at Port Stephens, where She had put into) I dispatched her once more for the Derwent with Orders to return from thence as speedily as possible, having sent Lieut. Governor Davey Strict orders to the Same Effect, leaving him at liberty, however, to send the Kangaroo round from the Derwent to Port Dalrymple to bring up from thence any Quantity of Wheat that She Could Safely Carry, and that Could be Conveniently Spared from the Latter Settlement for the Use of His Majesty's Stores here. The Kangaroo Sailed from hence on the 21st of August, 1814, for the Derwent, and, even Allowing that Lieut. Governor Davey might have Occasion to Send her round to Port Dalrymple for a Lading of Wheat After she had discharged her Cargo and passengers at the former Port, I fully expected and Concluded She would be very well Able to return to Port Jackson again within two Months at the Very farthest. But in these Expectations I was disappointed, the Kangaroo not having returned from Van Diemen's Land to Port Jackson till 2d of February last, having been thus Five Months and twelve Days in performing this Voyage, which any Common Colonial Vessel would easily have performed and have executed the Same Service in one third of the time taken by the Kangaroo. Feeling very much displeased with her Commander, Lieut. Jeffreys, for this extraordinary and most unaccountable Delay, I called on him for an Explanation of his Conduct, directing him to furnish Me with an Attested Copy of his Log Book and such other Documents as might explain to me the Cause of his Voyage having been protracted to so very Unusual a Length.

Jeffreys called
on to explain
causes of delay.

Unsatisfactory
explanation
tendered by
Jeffreys.

7. Lieut. Jeffreys furnished me Agreeably to My Desire with a Written Report, and a Copy of his Log Book, together with Copies of some Correspondence which passed between him and Lieut. Governor Davey at Van Diemen's Land, in Explanation of his long Voyage; but as the Explanation, Contained in his Report and its Accompanying Documents, were by no means Sufficiently Satisfactory to me, I deemed it Necessary to Call on him for further Explanation, Stating to him My own Sentiments as to the Very Unnecessary Delay he had made at the Derwent and Port Dalrymple. Wishing to put Your Lordship in possession of every Necessary Information respecting this last Voyage of the

Kangaroo, I now do myself the Honor to transmit herewith for that purpose Copies of All the Correspondence, which took place on this Occasion between my Secretary and Lieut. Jeffreys, the Copy of the Log Book I do not deem it necessary to trouble Your Lordship with, as the Substance of it is Contained in the Reports of Lieut. Jeffreys.

1815.
16 March.

8. From this Correspondence, and the Information I have given to Your Lordship in this Letter respecting the Services of the Kangaroo Since her Arrival in this Colony, Compared with the Statement of her Annual Expence, Your Lordship will be fully Able to form an Accurate Judgment of her real Value to this Colony; and when I Assure Your Lordship that either the Lady Nelson, or the Estramina is much more Useful to the Colony in regard to real Services, and neither of these Vessels Costs the Crown above One third of the Money the Kangaroo does, I feel persuaded that Your Lordship will Concur with me in Opinion that the latter is by no Means a proper Description of Vessel for the Service of this Colony, and under this Conviction I take the Liberty to recommend that I may be permitted by Your Lordship to send her back to England, or that I may be fully and distinctly Authorized to reduce her Establishment, nearly to the Same Level with the Lady Nelson and Estramina, by Appointing a Master and Crew at Moderate Wages, and discharging Lieut. Jeffreys, his Surgeon, and Clerk, the two latter Description of Persons being entirely an Useless Expence in the Government Colonial Vessels here. I must likewise take the Liberty to add that it is my decided Opinion that no Government Colonial Vessels, intended for the Common Services of this Colony, ought ever to be Commanded by Officers of the Royal Navy; their early professional Habits of Life preclude their Submitting to the Necessary Duties required of Colonial Craft here in the Manner they ought to do; they persevere in Considering themselves as Commanding Vessels of War, and are much too proud to Submit patiently to going to Newcastle for Coals, Lime and Timber, or to the Hawkesbury for Grain. Independent of all this the Expences of these two Vessels, the Kangaroo and Emu, Under their present Establishments, are much too high, and no Services, they Can ever perform in this Country, Can by any Means sufficiently Compensate for their Expence to the Crown. I therefore repeat my Recommendation to Your Lordship that they should be immediately reduced from their present Establishment to nearly the same Level with the Govern't Colonial Brig, Lady Nelson, and Schooner, Estramina.

The Kangaroo
unsuitable for
the colonial
service.

Proposed
changes in
establishment
of the Kangaroo.

Naval
commanders
unsuitable for
colonial craft.

9. In Case Your Lordship Should be pleased to approve of this proposed Plan of discharging the present Commanders, and

1815.
16 March.

Proposal
for return of
Kangaroo
and Emu to
England.

Adverse
criticism of
Jeffreys.

Completion
of vessel in
government
dock-yards.

reducing the high Establishment of the Brigs, Kangaroo and Emu, I hope I shall be Honored with Your Lordship's Instructions on the Subject at as early a Period as may suit Your Lordship's Convenience. In the Event of Your Lordship not deeming it Expedient to reduce the present Establishments of these two Vessels, I hope Your Lordship will Authorize me to send them back to England. Perhaps, however, they might be deemed by the Board of Admiralty fit Vessels for Carrying on the Surveying Service in these Seas, and in this Case their Lordships would probably be glad to have them transferred to the Royal Navy; but I cannot speak as to the Competency of either of their Commanders for Carrying on a Service of Such Importance. Indeed I have every reason to believe that Lieut. Jeffreys is very Unequal to Such a Service, being said by his Own Officers to be a Very timid Seaman, and ignorant of his Duties as such. I Cannot say any thing of the Character of Lieut. Forster of the Emu, as that Vessel only Arrived here from England four days ago.

10. It is proper I should now Inform Your Lordship (which I am sorry to find I have Inadvertently hitherto neglected to report) that I found the Frame of a Government Vessel* of About 150 Tons Burthen on the Stocks, on My Arrival here from England in December, 1809; but which a Variety of other more Important works required of the few Ships Carpenters in the King's Dock Yard here has prevented my being able to get Completed. The Keel of this Vessel was first laid during the Administration of Govr. King, and All Judges of Naval Architecture here say that She is a very fine Vessel, and built on a Very judicious Plan and Construction. I have therefore determined to Complete her now as soon as possible, as she will Answer remarkably well for the Newcastle Service, and be of much more use than either the Kangaroo, or Emu, whilst she will not Cost above one third of the Expence of the former, and at the same time be much fitter for the Service of the Colony in Consequence of her being of so much Smaller a Size. When this new Vessel shall be Completed, the Services of both the Kangaroo and Emu Can very easily be wholly dispensed with, by which Government will save at least Four thousand pounds per Annum.

11. I should not have said so much Upon this Subject, nor have Urged the Reduction of the Establishments of the Brigs, Kangaroo and Emu, were it not that I was Myself the person, who originally proposed their being built and sent out from England, instead of keeping a Sloop of War regularly Stationed here; and had they been built of the Size I recommended, and

Sent out on a Moderate Economical Establishment under the Command of good Able Seamen, bred up in the Merchant Service, I am Convinced they would have been found of Essential Service to the Colony; but, on their present Establishment, and Commanded as they are by Lieutenants in the Navy, I have no Hesitation in saying that they never will be of Much Service to this Colony, whilst they increase the Expences of it at least between Five and Six thousand pounds per Annum.

12. I have to Apologize for taking up so much of Your Lordship's Time on this Subject, and for dwelling on it so long; but Your Lordship may rest assured that my sole Motive in doing so is My Anxiety to reduce the Expences of this Colony by every practicable Means in my Power.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

CORRESPONDENCE BETWEEN LIEUTENANT-GOVERNOR DAVEY AND
LIEUTENANT JEFFREYS.

[1] *Lieutenant Governor Davey to Lieutenant Jeffreys.*

Sir, Government House, Hobart Town, 17th Octr., 1814.

There being at this time in His Majesty's Magazine at Port Dalrymple between two and three thousand Bushels of Wheat, which has been purchased for the consumption at Head Quarters, and His Excellency the Governor in Chief having requested me some time since to embrace the first opportunity of sending it to Sydney by a Government Vessel; You will be pleased to hold yourself in readiness to proceed to Port Dalrymple on Thursday next for the purpose of receiving the said Wheat on board and conveying it to Sydney.

The Kangaroo
to ship wheat at
Port Dalrymple.

As the Navigation of the River at Port Dalrymple may be difficult to a Person who is a Stranger to it, I shall direct Mr. Henry Hacking, Harbour Master and Pilot at this place, and who is well acquainted therewith, to accompany you round.

Henry Hacking
to act as pilot.

I shall also order the Detachment of His Majesty's 73d Regt. left behind here by the Ship Windham, consisting of Seventeen Men, Ten Women, and thirty six children, to be embarked on Wednesday Morning next for the purpose of being conveyed to Sydney, agreeable to the Instructions of His Excellency the Governor in Chief, a regular list will be furnished you at the time of their embarkation, from which Day you will be pleased to enter them upon your Books, and victual them in the usual Manner.

Detachment of
73rd regiment
to embark for
Sydney.

I am also desirous of sending round by this opportunity Twenty of the Female Convicts, lately brought hither in the

1815.
16 March.

Proposal
to embark
female
convicts.

Kangaroo, which number His Excellency the Governor in Chief has directed me to appropriate to the Settlement at Port Dalrymple, provided they can be accommodated on board with due regard to the health and comfort of the other Passengers and Crew, and upon which subject I shall be governed by your report to me thereupon.

I have, &c.,

T. DAVEY, Lt.-Govr.

[2] *Lieutenant Jeffreys to Lieutenant-Governor Davey.*

Sir, H.M. Brig Kangaroo, River Derwent, 18th Octr., 1814.

Orders received.

I have to acknowledge the receipt of your letter of yesterday's Date, desiring me to hold myself in readiness to proceed to Port Dalrymple on Thursday next, for the purpose of receiving on board between two and three thousand Bushels of Wheat and conveying it to Sydney, as also to receive on board a Detachment of the 73d Regt. consisting in all of 63 Souls, and informing me you are desirous of sending twenty Women to the Settlement at Port Dalrymple.

Impossibility of
shipping both
wheat and
troops.

In answer to which, I beg leave to inform you that His Majesty's Brig is not sufficiently large to convey both the Wheat and Troops, but that I am perfectly ready to receive, whichever you may be pleased to order; I have also to inform you that in either case I can accommodate with a passage to Port Dalrymple the 20 Women.

I have, &c.,

C. JEFFREYS, Lieut. & Comr.

[3] *Lieutenant-Governor Davey to Lieutenant Jeffreys.*

Sir, Government House, Hobart Town, 18th Octr., 1814.

The Kangaroo
to ship wheat at
Port Dalrymple.

Deeming it expedient that the Grain which has been purchased at Port Dalrymple for the consumption at Head Quarters should be immediately forwarded thither, and in consequence of what you have stated to me in your letter of this day's date, viz. that the Kangaroo is not sufficiently large to convey the Detachment of the 73d Regt. and the Grain at one time, You are required and directed to Sail on Thursday Morning for the Settlement at Port Dalrymple, making the best of your way thither, and on your arrival there intimating the same to Capt. McKenzie of the 46th Regt., the Commandant thereat, who will be instructed to ship on board as much Grain as you can Carry. I shall proceed myself to Port Dalrymple in the course of a few Days, and will then furnish you with my Despatches for His Excellency Governor Macquarie, you will therefore not depart therefrom until you have received my Instructions to do so.

I have, &c.,

T. DAVEY, Lieut.-Govr.

[4] *Lieutenant-Governor Davey to Lieutenant Jeffreys.*

1815.
16 March.

Sir, Government House, Hobart Town, 19th Oct., 1814.

In Consequence of the Kangaroo proceeding to Port Dalrymple, I have directed Nine female Prisoners to be embarked this Day in addition to the ten already on board, all of whom you will be pleased to victual at the expence of the Crown, until they have been landed at Launceston. I accompany a list of their Names and have already sent an overland express to Capt. McKenzie announcing their approach and directing their being landed with the least possible delay after their arrival.

Female convicts
embarked for
Launceston.

You will also be pleased to receive on board G. W. Williams and John Fawkner, the former is the late Acting Deputy Commissary at Port Dalrymple and is the person whose name is so conspicuously mentioned in Governor Macquarie's late Proclamation* on the subject of Bush rangers; I have therefore to direct that you will not allow him upon any account whatever to be relanded on the Island or even leave the Vessel previous to her arrival at Port Jackson. The latter is one of those persons who lately absconded from the Settlement after committing some most atrocious Robberys and Depredations, and is under Sentence of Transportation for five years; he proceeds to Sydney for the purpose of being sent to the Coal River during the period of his sentence, and also to break the Chain of a very dangerous Connexion which he has formed in this Settlement; you will therefore see the necessity of his being narrowly watched.

Instructions
re custody of
Williams and
Fawkner.

I have also directed there Soldiers of the 73rd Regt., single men, named Frs. Stewart, John Nicholls, and Thos. Walton to be embarked this Day for the purpose of doing Duty as a Military Guard; you will therefore be pleased to receive them on board and victual them at full allowance.

Military guard.

I have also directed the Deputy Commissary to issue to your Order Fifty Gallons of Spirits agreeable to the request contained in your letter of this Day, but I find it impossible to allow you to have it upon any other terms than as a loan, the whole of the Spirits in the King's Stores being exclusively Colonial property, and which cannot be appropriated to any other branch of the Service, you will therefore be pleased to return the same quantity in kind by the first favorable opportunity.

Spirits to be
issued to
Jeffreys.

As I shall leave hence on the 28th Inst., and arrive at Port Dalrymple previous to your departure therefrom, I shall furnish you with my Dispatches for His Excellency the Governor in Chief and such further instructions as the nature of the Service may there require.

Despatches to
be received at
Port Dalrymple.

I have, &c.,

T. DAVEY, Lt.-Govr.

1815.
16 March.

[5] *Lieutenant-Governor Davey to Lieutenant Jeffreys.*

Sir,

Launceston, 21st Novr., 1814.

Shipment
of wheat at
Port Dalrymple.

The Grain, which has been purchased by Government at this Settlement for the purpose of being conveyed to Head Quarters (amounting to three thousand Bushels or thereabouts) being ready for delivery from H.M. Stores, I have to direct you will lose no time in adopting the necessary measures for the Shipment thereof.

Capt. McKenzie has been instructed by me to afford you every assistance, which the resources under his charge will admit of; and, as I am particularly anxious the completion of your voyage should be hastened as much as possible, I feel assured that no exertions will be wanting on your part towards carrying the same into effect. It will be necessary that an Officer from the Kangaroo should see the Grain measured from H.M. Stores, and when the whole has been issued you will be pleased to grant the necessary receipts for it to Mr. Archer the Commissary.

I have, &c.,

T. DAVEY, Lieut.-Govr.

[6] *Lieutenant Jeffreys to Lieutenant-Governor Davey.*

H.M. Brig Kangaroo, Port Dalrymple River,

Sir,

21st Novr., 1814.

Arrangements
for shipping
wheat.

In answer to your letter of this Day's date, I have the honor to inform you that His Majesty's Brig Kangaroo is perfectly ready to receive the Grain intended to be conveyed to Port Jackson whenever it may be sent down to her, provided Bags are furnished to put it in. I also beg leave to observe that the Custom of His Majesty's Navy is to sign receipts for Provisions when received on board, and not when sent from the Store that it will be necessary some person of the Commissariat Department should deliver it, and that it is out of my power to take the said Grain in charge until it is put on board.

I also beg to remind you that I pointed out the necessity of having Bags and Casks to put the same into, when at Hobart Town, which were never furnished and that I have only Casks sufficient to take about Five hundred Bushels, and that I cannot stow it in bulk.

Every assistance shall be rendered on my part by sending the Launch of His Majesty's Brig, which can carry about Eighty Bushels, and I beg to say from the distance we are from the Town, she probably may be two Days making one trip.

I have, &c.,

C. JEFFREYS, Lieut. & Commr.

Six Letters Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

1815.
16 March.

SECRETARY CAMPBELL TO LIEUTENANT JEFFREYS.

Sir, Secretary's Office, Sydney, 3d Feby., 1815.

I have it in Command to communicate to you that the very extraordinary delay, which has taken place in the return hither of H.M.C. Brig Kangaroo under your command from Van Diemen's Land, renders it necessary for His Excellency the Governor to call on you thus to explain in a written report the causes which have led to and occasioned this very unaccountable delay. When His Excellency considers the nature of the service, on which the Kangaroo was dispatched from hence, and the Instructions, with which you were furnished on that occasion, and likewise the tenor of the Orders sent to Lieut. Governor Davey in regard to the speedy return of that Vessel, He feels He would be deficient in His Public Duty if he did not require the explanations now called for at your hands.

Jeffreys to
explain causes
of delay in
his voyage.

Accompanying the Report now called for, you will please to furnish also an attested Copy of the Kangaroo's Log Book or Journal, from the date of your sailing from hence on the 20th or 21st of August last, up to the period of your arrival yesterday in Sydney Cove, comprehending a Space of five months and 12 Days.

As the Governor feels it incumbent on Him to make a report to His Majesty's Government at home on the subject of this apparently unaccountable delay of the Kangaroo. He requires you to furnish Him with every information in your power with regard to the circumstances, which may have tended to or occasioned it, in order that the Blame (if any) may be attached to him or them, who may have incurred it.

The very great expence of this Vessel to the Government, and the little benefit hitherto derived from her services, alike requires that the Report on this occasion should be Circumstantial and Satisfactory.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 6th Feby., 1815.

In answer to your letter of the 3d Inst. calling on me (by command of His Excellency the Governor) to explain the cause of the very unaccountable delay in the return hither of His Majesty's Brig under my Command, I have to state for His

1815.
16 March.

No delay caused
by officers
or crew of
Kangaroo.

Excellency's information that no delay whatever has taken place on the part of the Officers and Ship's Company of His Majesty's Brig Kangaroo, but on the contrary every exertion has been made to facilitate her return, and that, with respect to any person not connected with this Brig, I am incompetent to judge, and shall at all times be happy to answer any question His Majesty's Ministers may have to ask, and with respect to my own Conduct am proud to say shall be able to give them every Satisfaction.

His Excellency must remember that He thought proper in his last Orders to direct me to follow the Orders of Lieut. Govr. Davey, or words to that effect. I shall now proceed to state the whole of the circumstances and correspondence, which have taken place since my quitting this Port in August last.

Voyage and
visit to the
Derwent.

From contrary Winds and bad Weather, we did not reach the Derwent until the 14th Sept.; that the Passengers and Convicts were not all landed for near fourteen Days after our arrival; that by the 28th, had completed our Wood and Water, &c. and were perfectly ready for Sea. I repeatedly asked Lieut. Govr. Davey what were his intentions with respect to the Brig, but it was not until the 17th Octr. that I received any Satisfactory Answer, for which I refer you to his Letter (No. 1), as also my answer (No. 2) and his last Orders (No. 3 & 4) to proceed to Port Dalrymple, and receive nine Women for that Settlement in addition to ten that had remained on board, and fifty Gallons of Rum for the use of the Ship's Company. On Wednesday, the 19th, unmoored and got every thing ready for Sailing the next morning, but was prevented by the absence of my First Officer and a party of Men, who did not return 'till the Sunday following, having been Cast away. On Monday sailed, and on Tuesday were compelled to put into Adventure Bay, not being able to weather Cape Pillow, where we remained until the 2d Novr., and arrived at Port Dalrymple on the 5th. On the 9th, the Women were landed, when every preparation was made to receive the Wheat. On the 21st, I received a Letter from Lieut. Govr. Davey a copy of which (No. 5) is herewith enclosed as also my answer (No. 6).

Voyage
and visit to
Port Dalrymple.

Difficulties in
shipping wheat.

I have to inform you that finding the Settlement at Port Dalrymple had only one Small boat, every assistance was rendered with the Boats and Men under my Command, and have to say that from the Distance we lay from the Town (28 Miles) the Strong Tides, the heavy Weather experienced in crossing that part of the River called Swan Bay and Nelson's Shoals, the Boats were in general three or four Days performing one trip.

I recommended Capt. McKenzie to hire a Vessel called the William and Ann belonging to a Merchant named Collins, who had offered to take it down, and which Vessel had been fitted up by her Owner for carrying Wheat; but Mr. Archer, I understand, declined hiring her for some reason unknown to me, altho' this Vessel could have taken the whole of the Wheat in two trips. At last the whole of the Wheat was got down by my sending Men and Stores to repair a Vessel belonging to a Man, named Wm. Stewart, by the 30th Decr. On the 1st Jany., we proceeded down the River, and on the 4th, I received Capt. McKenzie's Dispatches and the Prisoners. In a few hours afterwards Sailed; when about five miles from the land, a Sudden Shift of Wind obliged us to put back, as His Excellency will perceive by the Copy of the Log Book herewith sent, and also that we got on Shore and lost an Anchor; that We again attempted to proceed on the Wind moderating but were obliged to put back where we remained until the 26th and arrived in this Port on the 2d Inst.

1815.
16 March.
Shipping of
wheat at
Port Dalrymple.

Departure from
Port Dalrymple.

I am, &c.,

C. JEFFREYS, Lieut. & Commr.

[Enclosure No. 4.]

SECRETARY CAMPBELL TO LIEUTENANT JEFFREYS.

Sir, Secretary's Office, Sydney, 13th Feby., 1815.

I have the honor to acknowledge the receipt of your letter of the 6th Inst., accompanied by a copy of the journal of your late voyage to and from Van Diemen's Land, and of the correspondence which took place between you and Lieut. Governor Davey during your Stay there.

Report
acknowledged.

Having submitted this letter and Several Documents, therein referred to, to His Excellency the Governor, I have it in command to convey to you His Excellency's observations and Sentiments thereon.

His Excellency, having carefully and attentively perused all the above Documents on the subject of your late voyage, does not conceive that you have accounted by any means satisfactorily for the very extraordinary length of time occupied by it, and cannot refrain from expressing His opinion that it should have been performed in one third part of the time assigned to it, if the necessary exertions for such an occasion had been made by you and the Commanding Officers at Hobart town and Port Dalrymple respectively.

Report
unsatisfactory
to Macquarie.

That the delay complained of may in some degree be attributed to those Officers, His Excellency is free to admit, in as

1815.
16 March.

Delays caused
by officers in
command in
Tasmania.

Probable
disapproval
of Jeffreys'
conduct.

Jeffreys' refusal
both to embark
military and
to ship grain
in bulk.

Overland
journey of
Jeffreys from
Hobart to
Launceston.

much as they permitted you to remain so very long at the Derwent and Port Dalrymple, and also from the consideration that they did not use greater exertions in getting the Grain put on board at the latter place. These Officers are accountable for their own measures herein and His Excellency will not fail to call upon them for an explanation of them.

His Excellency in remarking on your observation "that you shall at all times be happy to answer any Question H.M. Ministers may have to ask, and with respect to your own Conduct that you are proud to say you shall be able to give them every satisfaction" cannot avoid expressing Himself doubtful that H.M. Ministers will be satisfied with your conduct on this occasion, when they shall be made fully acquainted with all the circumstances connected with this tedious voyage; And as it is His intention to make a representation of the case to them, He feels it necessary to call upon you for a more detailed and circumstantial report than that you have already made, and particularly on the following important points, namely,

1st. As Lieut. Governor Davey has reported to His Excellency that He required you not only to take on board the Kangaroo the three thousand Bushels of Wheat (then in readiness for shipping at Port Dalrymple), but also the Detachment of the 73d Regiment at that time remaining at Hobart town, and consisting of only 17 men, 10 Women and 36 Children, and likewise recommended that the Wheat should be Stowed in bulk, The Governor desires that you will explain the reasons, which induced you to decline taking the Grain *in bulk*, according to that recommendation, His Excellency being of opinion that if you had done so, the Tonnage of your Ship would have fully enabled you to have conveyed both the Grain and the Military Detachment, or at least the greater part of it hither, provided the suitable and necessary arrangements had been made, and not so very large a proportion of the Main Deck appropriated solely to your own personal accommodations as appears to have been.

2d. It appearing from good authority that you and Mr. Napper, the Surgeon of the Kangaroo, both quitted that Vessel at Hobart town, and travelled overland from thence to Port Dalrymple, whereby the charge of His Majesty's Vessel on the passage thither devolved on the Chief Officer or first Mate, His Excellency desires to be informed by what authority you and Mr. Napper ventured upon this measure, which His Excellency considers a most unwarrantable and unjustifiable Act, neither Sanctioned by the usage of the Royal Navy nor that of the Transport Service.

3d. The Kangaroo being a fine sailing Vessel and so very well manned and found in every particular, His Excellency is much at a loss to know how it could so happen that she did not make the passage from hence to the Derwent for the space of ten days after the arrival of the Private Merchant Brig, called the Spring, which did not sail from hence until three Days after her, making a difference of 13 Days in the run from hence to the Derwent. This difference of time in so short a distance His Excellency can only account for at present by the predilection you have shewn for putting into and delaying at different Ports along the Coast, which as a precautionary measure was not deemed necessary by the Master of the Spring; His Excellency will however be happy in receiving a more satisfactory explanation from you on this head.

1815.
16 March.

—
Prolonged
voyage of the
Kangaroo
from Sydney
to Hobart.

The Governor trusts it is unnecessary to remind you that the Brig Kangaroo is not a Ship of War, or to be considered at all in that point of view, but on the contrary that she is merely a Transport for conveying Troops, Stores, Provisions, or any other articles, the Property of Government, from one Settlement to another; such are the Duties she is required to perform, and it was for these purposes solely that she was sent to this Country on the recommendation of His Excellency, under whose Orders and control she is consequently placed.

Status of the
brig Kangaroo.

In summing up His observations and inquiries, The Governor has again to express His regret that you should have declined receiving the Grain in Bulk instead of in Bags and Casks, as by taking it in Bulk as recommended by Lieut. Governor Davey much delay would have been avoided and a very considerable expence saved to the Crown especially in the Articles of Bags and Casks.

Herewith you will receive three Papers respecting Persons embarked on board the Kangaroo at Port Dalrymple by order of Capt. Mackenzie, and signed by Him, which you transmitted to the Governor on the 3d Inst. for his Inspection.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 18th Feby., 1815.

I have the Honor to acknowledge the receipt of your Letter of the 13th Inst. Communicating to me His Excellency the Governor's Observations and Sentiments on my Letter of the

1815.
16 March.

Reasons for
refusal to
embark both
military and
wheat.

6th Inst., and stating that His Excellency deems it necessary to call on me for a more detailed and circumstantial report on three important points therein mentioned, which should have been answered but for the pressure of Public Duty in paying off the Ship's Company.

In Answer to that part of your Letter stating that His Honor Lieut. Govr. Davey had required me to take on board the Three Thousand Bushels of Wheat and the Detachment of the 73d Regiment, I beg to refer His Excellency to my Answer to Lieut. Govr. Davey's Letter of the 17th Octr., stating my reason for not taking the Wheat and Detachment of the 73d Regt., and am sorry that His Honor has not intimated to His Excellency that he had told me that there would necessarily be a Number of Prisoners and Witnesses required to be taken up to Sydney on the part of Peter Mills, &c. that I then Calculated Sixty three Souls (at least) of the 73d Regt., thirty of my own Complément, and from five to ten on the part of the Bush-rangers, making together about One Hundred Souls; that these Hundred Souls required Provisions, Water and Room is Obvious; and that the Stowing Wheat in the Hold displaces the whole of the Provisions and Water; we could then stow but the few Casks we had lashed between the Guns, except a few under the Cables, not to be got at when at Sea but with very great risk and inconvenience; Three Thousand Bushels was more than the Hold could contain, and to Stow the Quantity brought up, was obliged to displace all the small Stores, and stow it in a place appropriated even in a common Merchantman Solely to the Ship's Use.

Stores carried
by the Kangaroo.

His Excellency will be pleased to remember that His Majesty's Brig under my Command has every Species of Stores allowed to a Class of Brigs in the Navy commanded by Commanders, and Commonly known by the name of ten Gun Brigs, and that, when she has three Months Provisions and Water on Board, she is supposed to be just in a Sea-worthy trim, and, to make room for any other things that may be put on Board in any Quantity, some of those Stores must be removed, or she would be so deep as to render her being Swamped Probable; that had the Troops, &c. and Three Thousand Bushels of Wheat been put on Board, in addition to her Ballast, Stores, Provisions and Water, in my Opinion that would have been the Case; this was the reason of my Answer to Lieut. Govr. Davey's Letter of the 17th Oct.

Shipment of
wheat in bulk.

You will be pleased to inform His Excellency that Lieut. Govr. Davey *never once recommended stowing the Wheat in Bulk*. I informed him it could not be taken in Bulk conceiving it a dangerous and improper way of Stowing Wheat, both for the safety of the Ship and Cargo, as it is at all times liable to Shift,

and choak the Pumps, and whenever a Small Portion of it got wet, it would inevitably destroy the whole, but notwithstanding wherever I could find a safe place, it was done, and out of the Quantity brought up *about fifteen Hundred Bushels was in Bulk.*

1815.
16 March.
Shipment of
wheat in bulk.

I lament that His Excellency the Governor should have in the slightest degree animadverted on my private Accommodations on Board, as the little extension I have was done by his Consent.

In reply to the Second Clause of your Letter concerning Mr. Napper and myself proceeding to Port Dalrymple by Land, I beg to state that Mr. Napper obtained my permission for so doing, and I proceeded round on my own Authority; but have to say that the Service received no injury or delay, nor was it likely to suffer, as in addition to an Officer fully competent to Command her, she was furnished with a Pilot by Lieut. Govr. Davey's Orders, and have also to remark that in the Navy in so short a trip it is by no means uncommon for Commanders to allow their first Lieutenants to take charge of the Ship.

Jeffreys'
overland
journey.

In reply to His Excellency's observations that the Kangaroo is a fast sailing Vessel, I beg to observe that he is misinformed, as appears by the following Circumstance. At 1 H. 30 M. p.m. Augt. 29, 1814, I saw a Sail nearly right Astern; she was then so far off as to appear a mere Speck on the Horizon; by 4 she had gained considerably on us; I then perceived her to be the Brig Spring with much less sail than we had; by 10 O'Clock she was in the same parallel of Latitude as ourselves, and about two or three Miles distant; after seeing this, it is impossible any Nautical Man can say the Kangaroo even Sails tolerable, and this I suppose must be the reason of her arriving at that Port before us; but having had no Conversation with the Person who commands her, I cannot say what course he steered, what favorable Winds he met with, or any thing Concerning her; but have been told that the same Winds which drove me into Cape Barren drove her into Bass's Straits, and that he strove for some time to reach that Anchorage; but I beg to inform His Excellency that these are Circumstances which are very common, and even the Sailing of a few Hours will occasion like Casualties; and, with respect to the Kangaroo being well Manned, I am sorry to Say I have very different ideas to His Excellency the Governor and shall write him more fully on that Subject hereafter.

Sailing
capabilities of
the Kangaroo.

In reply to that part of your Letter relative to the establishment of the Kangaroo, I beg to say that I am perfectly aware of the Purport of her being sent to this Colony, and that I have Orders from the Honble. Board, under whom I serve, to follow His Excellency's directions for the good of His Majesty's

Status of the
brig Kangaroo.

1815.
16 March.

Service, but am at a loss to know why he should have thought proper to remind me of it, as I know of no part of my Conduct which could have called it forth.

I have, &c.,

CHAS. JEFFREYS, Lieut. & Commr.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

[A] SECRETARY CAMPBELL TO LIEUTENANT JEFFREYS.

Sir, Secretary's Office, Sydney, 21st Feby., 1815.

Jeffreys'
second report
unsatisfactory
to Macquarie.

1. I have been duly honored with your letter of the 18th, in answer to my communication of the 13th inst., and, having submitted it to His Excellency the Governor, I have it in command to inform you that the reasons you have assigned for the very great delay, which took place in the late voyage of H.M.C. Brig Kangaroo under your command to Van Diemen's Land, and back hither, are not considered by any means satisfactorily explanatory, and that in consequence His Excellency must in justice to Himself, and for the good of His Majesty's Service, state the circumstances of the voyage to the Secretary of State for the Colonies to enable His Lordship to judge how far the expectations He had formed in regard to the services of the Kangaroo have been realized since her arrival here.

Papers to be
transmitted
to the secretary
of state.

2. With this Statement, His Excellency will forward a copy of the correspondence, which the circumstances of it have given rise to between Him and you, and also a Copy of the Instructions with which you were furnished on the 27th of May last previous to Your sailing the first time on the voyage now under consideration. A Copy of the Orders sent on the same occasion to Lieut. Governor Davey, directing the speedy dispatch of the Kangaroo on her return hither, will accompany the foregoing Papers; from all which, it is presumed His Lordship will be fully enabled to judge how far His Excellency's Orders and Instructions have been on the present occasion the rule of your and Lieut. Governor Davey's conduct, and at the same time to appreciate the Services rendered to this Colony by the Kangaroo since her arrival, early in the year 1814.

Statement
of annual
expenditure to
be submitted.

3. The Governor, wishing to ascertain, with as much accuracy as practicable, the annual amount of the actual expence of the Brig Kangaroo to this Government, requests that you will furnish Him as speedily as possible with a Statement or Estimate thereof, comprehending the Pay, Wages and Provisions of her full complement of Officers, Petty Officers, and Seamen, with the probable wear and tear of her rigging and furniture, and of the usual quantity of Stores requisite for such a Vessel for the same period.

4. As it is probable the Kangaroo will be shortly required for another Duty, the Governor desires that you will take the necessary Steps to prepare for going to Sea with the least possible delay, supplying her with three months Provisions and Water for her complement of Officers and Seamen, And His Excellency desires to be informed by you what number of Troops she can with convenience and safety accommodate, reckoning on a Supply of three months provisions and Water being furnished for them also.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[B] LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 23d Feby., 1815.

I have to acknowledge the receipt of your Letter of yesterday's date informing me of His Excellency the Governor's wish to be furnished as near as possible with an estimate of the expences of His Majesty's Brig under my Command, and of the usual quantities of Stores required for such a Vessel for the same period, and beg leave to say that His Excellency must be well aware that these things depend entirely on the Service and situations the Vessel may be employed in, but having endeavoured to collect, with as much Accuracy as possible, the general expences, beg to submit the enclosed documents for his Perusal.

1815.
16 March.
The Kangaroo
to be refitted
for sea.

Annual
expenditure on
the Kangaroo.

In Answer to the last part of your Letter desiring to be informed what Troops can be carried with convenience and safety, I have to state, that His Majesty's Brig stows little better than Thirty Tons of Water, and that Seventy five Souls, in Addition to her present Complement, will be about the Number she will be able to accommodate for a Voyage of Three Months.

Accommodation
for passengers
on the Kangaroo.

I have, &c.,

CHAS. JEFFREYS, Lieut. & Commr.

[C] LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 23d Feby., 1815.

Enclosed you will receive Accounts of Bills drawn on the Transport and Victualling Boards for the Public Service, from the time of His Majesty's Brig having been put into Commission to the 10th February last, and also an Account of the expences during the said time, which you will be pleased to lay before His Excellency the Governor.

Total
expenditure on
the Kangaroo.

I have, &c.,

CHAS. JEFFREYS, Lieut. & Commr.

1815.
16 March.
Bills drawn
for victualling
the crew of
the Kangaroo.

[Sub-enclosure No. 1.]

AN ACCOUNT of Bills drawn for the Public Service on the Commissioners for Victualling His Majesty's Navy, between the 11th Day of February, 1813, and the 10th Day of February, 1815, from on Board His Majesty's Brig Kangaroo, Lieut. Charles Jeffreys, Commander.

Time drawn.	Place Where.	By whom drawn.	For what Service.	Amount.
1814				£ s. d.
April 29	Sydney	Lieut. Jeffreys	Fresh Beef and Vegetables purchased of John Harris.....	53 5 0
August 19	Do	Do	Do purchased of Geo. Cribb ..	161 0 0
Oct. 19	Hobart-town	Do	Do Do of Jas. Gordon, Esq.	54 11 10
				£ 268 16 10
CHAS. JEFFREYS, Lieut. and Comm'r.				
Amount of Bills drawn on the Commissioners for Victualling His Majesty's Navy, as p. Account above				£ 268 16 10
Do. on the Commissioners for Conducting His Majesty's Transport Service, &c., &c., as p. Account herewith sent				2311 15 11
Total Amount of Bills drawn				£ 2580 12 9
Extra Money Paid by His Majesty's Consul at Rio de Janiero				£ 31 10 9

[Sub-enclosure No. 2.]

Bills drawn
for general
expenses of
the Kangaroo.

AN ACCOUNT of Bills drawn for the Public Service on the Commissioners for conducting His Majesty's Transport Service, &c., &c., &c., Between the 11th Day of February, 1813, and the 10th Day of February, 1815, from on Board His Majesty's Brig Kangaroo, Lieut. Charles Jeffreys, Commander.

Time Drawn.	Place Where.	By whom Drawn.	For What Service.	Amount.
1813.				£ s. d.
July 1st.	Madeira	Lieut. Jeffreys	Wine Purchased	43 15 0
"	Do	Do	Beef, &c. Purchased	43 4 1
Septemr.	Rio de Janeiro	Do {	Hire-of a House, &c. and Payment of Advance	100 0 0
1814.				
Jany. 21	Sydney	Do	Personal Pay	63 0 0
March 18	Do	Do	Do	63 0 0
" 30	Do	Do	Pay due to Mr. Bunster	41 5 3
April 22	Do	Mr. Napper...	Personal Pay	37 1 0
May 14	Do	Lieut. Jeffreys	Pay due to Mr. Martin	61 8 6
" 25	Do	Do	Personal Pay	55 17 4
August 8	Do	Do {	Payment of Wages due to Ship's Company.....	431 17 5
" 16	Do	Mr. Napper...	Personal Pay	37 1 0
" 16	Do	Lieut. Jeffreys	Do	55 17 4
Novr. ...	Launceston...	Mr. Napper...	Do	37 1 0
1815.				
Feby. ...	Sydney	Do	Do	37 1 0
"	Do	Lieut. Jeffreys	Do	111 14 8
"	Do	Do {	Payment of Wages due to Ship's Company	1092 12 4
Total Amount drawn				£ 2311 15 11

CHAS. JEFFREYS, Lieut. & Comm'r.

[Sub-enclosure No. 3.]

1815.
16 March.

AN ACCOUNT of Expences incurred on Board His Majesty's Brig Kangaroo, Lieut. Chas. Jeffreys, Commander, between the 11th day of February, 1813, and the 10th day of February, 1815.

General
expenses of the
brig Kangaroo.

Time.	Place. Where.	For what Service.	Amount.
1813. Sept. 1	Rio de Janeiro..	Purchase of Oakum and Rosin for Caulking the Brig	£ s. d. 7 10 10
16	Do	Hire of a House and Island for landing the Passengers on during the time the Brig was refitting...	20 16 0
	Do	Paid by His Majesty's Consul for the Caulking of the Brig	31 10 9
1814. Octr. 19	Hobart-town	Paid for the Hire of Sick Quarters for Mr. James Napper Surgeon	8 8 0
			£ 68 5 7

CHAS. JEFFREYS, Lieut. & Comm'r.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 7.]

AN ACCOUNT of the Establishment of His Majesty's Brig Kangaroo with the Amount of Wages for One Year.

Account of
establishment of
brig Kangaroo.

Quality.	Rate of Pay p. Month.	Amount of Pay p. Year.	Remarks.
One Commander p. day	£ s. d. 15 0	£ s. d. 286 2 0	Subject to Deduction for Income, Widows Fund Greenwich Hospital.
& 19/- p. Lunar Month for a Servt.			
One Surgeon..... p. day	10 0	182 10 0	
One Chief Officer..... p. day	7 7	88 4 0	
One Second Do..... p. day	5 10	66 0 0	
One Clerk..... p. day	3 0	54 15 0	Subject to Deduction for Income and Greenwich Hospital.
One Gunner's Mate.....	4 10 0	54 0 0	
One Boatswain's Mate.....	4 10 0	54 0 0	
One Carpenter.....	6 0 0	72 0 0	
One Steward and Cooper.....	4 10 0	54 0 0	
One Cook.....	4 0 0	48 0 0	
Ten Able Seamen.....	4 0 0	480 0 0	
Four Ordinary Do.....	2 10 0	120 0 0	
Four Landsmen.....	2 0 0	96 0 0	
Three Boys.....	1 5 0	45 0 0	
Thirty One Total Number of Complement Amount of Pay for One Year.	..	1700 11 0	

Provisions, &c. required for the above Complement for One Year:—

Bread Eleven Thousand, three Hundred and Fifteen Pounds;
 Salt Beef Six Thousand, four Hundred and sixty four Pounds;
 Do. Pork Three Thousand, two Hundred and thirty two Pounds;
 Rum Seven Hundred and Seven Gallons, one Pint and a half;
 Pease Fifty Bushels and a half;
 Oatmeal..... Thirty seven Bushels, Seven Gallons;
 Sugar One Thousand, two Hundred and twelve Pounds;
 Cocoa..... Six Hundred and Six Pounds.

Provisions, etc.,
required for
crew per annum.

1815.
21 March.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked "Separate," per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 21st March, 1815.

Recommend-
ation of
Thomas Hall
as settler.

Mr. Thos. Hall, the Bearer of this letter, has received my permission to proceed as a Free Settler to the Colony under your Government. I have therefore to desire that you will grant to him an Allotment of Land, not exceeding one hundred Acres, corresponding to the Amount of Capital, which he is able to satisfy you he has the means of commanding for its Cultivation, together with any other Encouragement usually given to free Settlers.

I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "Private and confidential," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

22 March.

Report on
misconduct of
lieut.-governor
Davey.

My Lord, Government House, Sydney, 22nd March, 1815.

The painful duty of making a representation, most unfavorable to the Character and Conduct of an Officer of no less rank than that of Lieutenant Governor of Van Diemen's Land, is imposed upon me by a variety of circumstances of too much notoriety and importance to be longer passed over in silence. I feel it, therefore, due to His Majesty's Government and to the high trust, which has been reposed in me, not to let feelings of private regret for the Individual prevent me from expressing my warmest sentiments of disapprobation at the measures and conduct of Lieutenant Colonel Davey, since his arrival in this Country to fill the Situation of Lieutenant Governor of Van Diemen's Land.

Undignified
conduct.

Col. Davey's Stay at this place, previous to his proceeding to V.D. Land, furnished me a full opportunity of observing an extraordinary degree of frivolity and low buffoonery in his Manners, and gave me but too much reason to apprehend that, when he should have no Superior to control him, he would altogether lose sight of that Manly and dignified deportment, which his Rank in the Service, his present high authority, and his advanced time of Life should have All alike induced him to support. My apprehensions have been, My Lord, too fully realized in this respect, and the contagious effect of such an example in his rank is too obvious to require a comment.

Dissipation
and profligacy
reported.

To be more particular, I beg to inform Your Lordship that every succeeding arrival from Van Diemen's Land brings me fresh reports of Col. Davey's dissipation and profligacy. It has

come to my ears, thro' such a variety of Channels, that He spends almost his entire time in drinking, and every other Species of low depravity, in Company with the basest and meanest of the people, that I cannot further hesitate to give full Credit to the Report. What renders this Debasement the more gross and offensive is that He is a Married Man, and his Wife and daughter, who live with him, are both very amiable and highly respectable.

If the effects of His thus giving way to the lowest propensities were Confined to himself and his own immediate family, however to be lamented, they still would not form a sufficient ground for my present animadversion; but they necessarily render him idle, indolent, and totally incapable of executing the Public Duties of his Station. The Orders and Instructions, which I convey to him from time to time, are of course rendered Nugatory, his Constant State of intemperance rendering him totally indifferent to them; and thus, by his want of personal exertion, or of regard to the performance of My directions, the Government is brought into Contempt, and the Public exposed to all the ill effects of Licentiousness in the most unqualified degree.

Strong reports are also in Circulation of his being not only dissipated and profligate in his private life, of which I am myself fully convinced, but also that He is extremely venal and corrupt in his public Capacity. Among other abuses of power with which he is taxed, He is charged with having been privy to and sanctioning a great deal of clandestine trade and smuggling of Spirits at the Derwent. These are Charges, which of course I have no direct or positive proof of, else it would have become my duty to bring them forward in a public manner; but they are rumoured, nevertheless, so generally, that I am strongly apprehensive they are but too well founded.

The high and important rank of Lieutenant Governor of V.D. Land makes me extremely reluctant to push matters to extremities, or to expose this unfortunate Man to the Shame and disgrace, which must naturally attach to a public Conviction on such low and base grounds, and I have therefore wished to avoid that Measure as far as in propriety I have been enabled.

When Col. Davey came out to this Country, his Salary as Lieutenant Governor (as is well known to Your Lordship) was stopped by order of the Lords of the Treasury, until his Debt to the Public, contracted whilst he was a Pay Master of Marines, should be finally discharged; yet, notwithstanding this appropriation, He has drawn several Bills on the Lords of the Treasury on account of Salary, and negociated them to Private Individuals in payment of Goods purchased of them, whereby those persons have suffered most material injury.

1815.
22 March.

Dissipation
and profligacy
reported.

Results of
Davey's
misconduct.

Alleged abuses
of power.

Macquarie's
diffidence
in exposing
Davey.

Davey's
dishonest
financial
administration.

1815.
22 March.

Proposed
removal of
Davey from
office.

Recommend-
ation of
Foveaux as
successor.

These traits of Dissipation, Venality, and downright fraud and imposition, which I have had occasion to allude to, render Colonel Davey in my mind totally unfit for and unworthy of the Situation, in which he has been placed; and on these grounds, I take the liberty most respectfully to suggest the propriety of his being immediately relieved or superseded by some person of greater energy of Mind and of More honorable principles.

On a former occasion,* I took the liberty to recommend Major General Foveaux (at that time Lieut. Colonel in the 102nd Regt.) for the appointment of Lieutenant Governor of Van Diemen's Land, under the Conviction that his Superior talents, integrity, and honor qualified him most eminently for that Situation; and now, in the event of Lieut. Govr. Davey being either superseded or recalled, I once more beg leave to recommend General Foveaux to Your Lordship to succeed him, if He should feel disposed to come out to this Country.

The activity, zeal and intelligence of this Gentleman rendering him in my opinion better qualified for the management of that young and promising Settlement than any other person I am acquainted with. Under his Auspices, I think I can safely venture to predict that the Colony of Van Diemen's Land would in the course of four or five years become one of the most promising and productive Settlements under the British Government.

Applications
from O'Connell
and Geils
anticipated.

I have reason to believe that Lieutenant Colonel O'Connell, the late Lieutenant Governor of this Territory, and Lieutenant Colonel Geils, of the 73rd Regt., are each of them particularly solicitous to obtain the Lieutenant Government of Van Diemen's Land, and have been exerting their interest at home to that effect. They have each of them landed property and Live Stock in the Colony, which Circumstance, altho' a strong argument in a public point of view against their being nominated, will render them still the more solicitous to succeed; and I feel it my duty to observe here to Your Lordship that, from my knowledge of the tempers, characters, and abilities of these two Officers, I have no hesitation in declaring them both very unfit persons for that important trust. Lieutenant Colonel Geils, when a Major in the 73rd Regiment, was Commandant for some time at Hobart town; and, during that period, his Conduct did not reflect Credit on him, and still less did it benefit the Public. In the exercise of his temporary power, he displayed not only a sordid mean and covetous disposition, but, in many instances, shewed himself also venal and corrupt. These facts did not come to my knowledge in time to get them redressed; but I have been fully convinced of their truth, subsequent to his being relieved by Colonel Davey.

Unsuitability
of applicants.

Conduct of
Geils in his
former
command.

* Note 100.

The illiberal national partialities and prejudices of Colonel O'Connell, combined with an irritable temper and over bearing disposition, render him scarcely less unfit for the due Administration of the Government of Van Diemen's Land than Colonel Geils; and I therefore earnestly entreat your Lordship not to appoint either of them to that Government, at whatever time it may become vacant.

When it may be deemed necessary to recall Colonel Davey, I beg to express the sincere hope that Government in its liberality, will make some provision for his amiable, but unfortunate, Wife and Daughter, whose Situations with Him are at best much to be pitied.

I have, &c.,

L. MACQUARIE.

1815.
22 March.

Unfitness of
O'Connell.

Provision
proposed for
Davey's wife
and daughter.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 41, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 24 March, 1815.

24 March.

The usual letter having been omitted to be sent to you upon a Gentleman of the Name of Hartley quitting this Country, I am now to desire that, immediately upon the receipt of this Dispatch, you do give a Grant of Land to that Gentleman, with the Indulgences usually given to Settlers of the first Class.

I have, &c.,

BATHURST.

Recommend-
ation of
Hartley as
a settler.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 of 1815," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Government House, Sydney, 24th March, 1815.

1. The Date of My last General Dispatch to Your Lordship was the 7th of October, 1814, the Original of which was transmitted by the Ship Seringapatam bound direct for England, for which She Sailed on the 16th of October, and the Duplicate by the Ship General Brown Via Ceylon and India, which Sailed on the 19th of December last.

Transmission
of despatches.

2. By the latter Ship, I forwarded the greater part of the Detachment of the 73d Regt., which was left here on the Departure of the Main Body of that Corps, and reported to Your Lordship my having done so by the Same Ship; but the General Brown, not being large Enough to Accommodate the whole of the Detachment, there Still remain here two Officers, 51 Non-Commissioned Officers and Soldiers, 27 Women, and 72 Children, making in all 150 Souls. These I shall send on to Ceylon by the

Detachment of
73rd regiment
sent to Ceylon.

1815.
24 March.

earliest favorable Opportunity of Some of the India Traders frequenting this Port; and if no such Opportunity Should Occur, I have it in Contemplation to Send the Governm't Colonial Brig Kangaroo with this Detachment, in Case I find She Can with Safety and Convenience Accommodate the Whole of them.

Arrival of the
transport
Marquess of
Somersetshire.

3. I have now the Honor to report to Your Lordship the Arrival here on the 16th of October last of the Ship Somersetshire, Commanded by Captain Alexander Scott, having An Officer's Detachment of the 46th Regt. and 199 Male Convicts on board, All in Good Health; one Convict only having been lost on the passage by his leaping overboard, Whereby he was drowned.

Arrival of the
transport
Marquess of
Wellington.

On the 27th of January last the Ship Marquess of Wellington, Commanded by Captn. George Betham, Arrived Also from England, having An Officer's Detachment of the 46th Regt. and 199 Male Convicts on board, All in Good Health, having lost only One Convict during the Voyage. These two Ships Arrived very Opportunely, Convict Labourers being very much wanted; and therefore I had the Men immediately distributed amongst the Settlers, After retaining such Mechanics as were required for Carrying on the Government Works.

Arrival of
William Moore
and John
Drummond.

Mr. William Moore, Solicitor, with a Younger Brother and two Sisters, as also Mr. John Drummond, Naval Officer for the Derwent, and his Wife and one Child, Arrived by this last mentioned Ship. I had the Honor of receiving Your Lordship's Letters* by these two Gentlemen respectively, to which I shall pay All due Respect and Attention in regard to Your Lordship's Commands relative to them. I did not receive any regular Dispatches from Your Lordship by either of the Ships I have last Mentioned, and I have long since fully replied to All the former Dispatches Your Lordship was pleased to honor me with.

Arrival of the
brig Emu and
judge-advocate
Abbott at
Hobart.

4. His Majesty's Colonial Brig Emu,† Commanded by Lieut't G. B. Forster arrived from England at the Derwent on the 12th of February last, having Mr. Abbott, the New Deputy Judge Advocate of Van Diemen's Land, on board with his family. Mr. Abbott and Family were Landed at the Derwent. The Emu remained there twenty Days, and then Sailed for this Port, where She Arrived on the 12th Inst., having been Six Months and twelve Days on her passage from England hither. Mr. Abbott forwarded to me the Letters* Your Lordship did me the Honor to write me by him. In pursuance of Your Lordship's Commands I have already Sent the Necessary Instructions to Lieut. Governor Davey to Administer the prescribed Oaths to Mr. Abbott, as Deputy Judge Advocate of Van Diemen's Land, and transmitted him at the same time an Authenticated Copy of the Patent for Holding the New Courts of Civil Jurisdiction

Arrival of the
brig Emu at
Port Jackson.

* Note 101.

† Note 102.

in this Territory, with Directions that Mr. Abbott should, Immediately After being Sworn in, Enter on the Duties of his Office.

1815.
24 March.

5. I shall not fail to pay All due Attention to Your Lordship's Commands in respect to giving Mr. Abbott a liberal Grant of Land, and of Extending to him and his family the Usual Indulgences granted to the Civil Officers of the Government. I am sorry to say from the great Negligence of the Several Officers, who have Commanded at the Derwent, there are no proper Quarters or Barracks Yet Erected there for either the Civil or Military Officers of Government, and Consequently there are None Suitable for the Accommodation of Mr. Abbott and his family. I have therefore Authorized Lieut't Governor Davey to allow Mr. Abbott, in the Mean time, House rent or Lodging Money at the Rate of One Guinea per Week, which I hope Your Lordship will Approve of; but I am Inclined to think that Mr. Abbott will Consider the Allowance Much too Small, as I am apprehensive he will not be able to procure Suitable Quarters for himself and Family at so low a Rate; and therefore I submit to Your Lordship My being Authorized to Increase his House Rent to Such Allowance, as Your Lordship may deem adequate to his Rank.

Land to be
granted to
Abbott.

Want of
officers' quarters
at Hobart.

Allowance
of house rent
to Abbott.

6. Mr. Drummond Still remains here, waiting a favorable Opportunity for proceeding to the Derwent to Assume his Duty there as Naval Officer; and he will soon be enabled to Obtain a passage thither free of Expençe in One of the Government Vessels, which I intend dispatching Shortly for that Settlement with Stores. Mr. Drummond has expressed a wish to be placed on the same footing at the Derwent, as the Naval Officer here, namely to receive five per Cent. on all Duties Collected, instead of having a fixed Salary; and, as Mr. Drummond's fixed Salary of 5s. per day is very inadequate to the Support of himself and his family, I respectfully recommend that I may be Authorized to place him on the same footing with the Naval Officer at Port Jackson, in respect to receiving a per Centage on all Duties Collected at the Derwent. Herewith I do myself the Honor to transmit, for Your Lordship's favorable Consideration and Decision, a Letter addressed to me by Mr. Drummond on this Subject.

Request of John
Drummond for
commission.

7. The General Hospital Contract having Expired on the 31st of December* last, I issued a Government and General Order, under the Date, Notifying that All the Ports of this Territory (Including those in Van Diemen's Land) were to be open, from and after the first day of the then ensuing Month of January, for the Free Importation of Spirits in Common with all other Articles of Merchandize from all Foreign Ports or places in

Opening of
ports for
importation of
spirits and
merchandize.

1815.
24 March.

Duty imposed
on spirits.

Abolition of
government
retail stores.

Amity with Great Britain. I fixed the Duty on Spirits on this Occasion at Seven Shillings p'r Gallon, as I was perfectly Satisfied that they Could very well bear that high Duty in this Country, where there is so great Consumption, and So Strong an Avidity for this Article. I also deemed this a proper Occasion for Abolishing totally the bad Custom of Supplying Settlers and other persons with Various Articles for payment from the King's Stores in this Colony, as All their wants may now be fully Supplied by the Free Merchant Shipping, frequenting this Port from England and other Countries. The Custom* of Supplying Settlers and other persons with Articles from the King's Stores often on a long Credit being found from long Experience to be extremely prejudicial to Government, the Collecting the Debts being attended with great Difficulty, and many of them being never recovered at all, determined Me on the Measure of discontinuing the practice, and I trust the Expediency of My doing so will be fully Obvious to Your Lordship. Herewith I do Myself the Honor of transmitting to Your Lordship Copies of these Separate orders, Issued on this Occasion, and of which I Indulge a Hope Your Lordship will approve.

Partial failure
of harvest.

Probable
supplies
of grain.

8. I am Concerned to have to Report to Your Lordship that our last Harvest has not turned out so Abundant a one, as I had Reason to hope it would have been, at the time I had the Honor of last addressing Your Lordship on this Subject. I believe, however, there is Enough of Wheat saved for the Consumption of the Colony without being Obligated to resort to foreign Markets; but owing to the extraordinary and unprecedented Droughts that have prevailed for the last three Months (the Period formerly Considered the Rainy Season in this Country), the Crops of Maize (Indian Corn), which at first had a Most promising Appearance, have Almost Entirely failed in many parts of the Colony, which will prove a most severe Disappointment and Loss to the poorer Class of Settlers, whose Chief Dependence was placed in this Description of Grain for Subsisting themselves and their Cattle; Many of them have had their Entire Crops of Wheat destroyed by Most severe Hail Storms, with which Several parts of the Colony were visited in the Months of December and January last.

Unsettled state
of Tasmania.

9. This part of the Territory, I am happy to have it in My power to report to Your Lordship, Continues in a State of perfect Tranquility and progressive Improvement; but I sincerely Lament My being Obligated to report to Your Lordship that the Settlements on Van Diemen's Land are now, and have been for the last Six Months past, in a very disorganized and disturbed State, principally owing to the Want of a good and Efficient

* Note 103.

Police and the very Small Number of Troops, Stationed at these Settlements; and I may Also Add from the Want of Competent Courts of Criminal and Civil Jurisdiction for trying and punishing Notorious Offenders immediately on the Spot, on being detected in Committing Crimes and Outrages of a Serious Nature.

1815.
24 March.

Causes of
disturbances
in Tasmania.

There have always been, since the Original Establishment of the Settlements in Van Diemen's Land, Small Bands of Runaway Convicts Infesting the Country, and who have generally gone by the Denomination of "*Bush Rangers*"; but their Numbers were so Small, and their Depredations so trifling, that the peaceable Settlers did not experience any serious Loss or Molestation from them. Since the Departure however of the two Companies of the 73d Regt. from Van Diemen's Land, this Banditti has Increased rapidly, and Committed the Most daring and Atrocious Depredations on the persons and property of the Inhabitants of the Several Settlements, Carrying off whole Flocks and Herds of Cattle, and burning the Crops of Grain of the Settlers, who happen to live at any Distance from the Chief Settlements. In May last, I Issued a Proclamation,* a Copy of which I had the Honor of transmitting to Your Lordship, holding out Pardon and Indemnity to Such of these deluded wretches, as might be Induced to Surrender themselves, and return to their Duty and Allegiance. This, however, I am sorry to say has not had the desired and hoped-for Effect, Very few of the Banditti having Surrendered themselves. Being thus disappointed in my Expectations, I sent Instructions, some time since, to Lieut. Governor Davey to appoint a Number of additional Constables in the Several Districts in Van Diemen's Land, to furnish them with Arms, and to add Small parties of Soldiers to them, and to send them in pursuit of the Banditti, and to Apprehend them, if possible, at the same time Authorizing him to Offer pecuniary Rewards to such Persons as might be able to apprehend and bring in any of the Bush Rangers. I also recommended to Lieut. Governor Davey to Call on the Settlers, generally, to Associate in Bands in the several Districts for their own Safety and Mutual Defence against the Attacks of the Banditti. There has not yet been Sufficient time for Ascertaining the Result of these last advised Measures, which however I was anxious to give a fair Trial to before I should resort to the more Summary and Coercive Measure of Proclaiming Martial Law, for a Certain time in Van Diemen's Land, for the purpose of Extirpating this dangerous Banditti. Indeed the very Small Military Force at present on that Island would not justify my now resorting to this last Measure, nor Can I spare a further Detachment from Head

Depredations
by bushrangers.

Proclamation
of an amnesty
to bushrangers.

Repressive
measures
ordered.

Reluctance
to proclaim
martial law.

1815.
24 March.

Reluctance
to proclaim
martial law.

Further
outrages
reported by
Davey.

Delay of
justice Bent
in assembling
supreme court.

Bent's
determination
to await the
arrival of
Garling.

Quarters at present on account of the small Number of Men, which the 46th Regt. Consists of; but I greatly fear this Banditti Can never be entirely extirpated by any other Means than by Enforcing Martial Law and Using of a Strong Military Power against them; at the same time, I am so fully sensible of the serious Evils attendant on Such a Measure that I shall have Recourse to it with great Reluctance and only in the last Extremity. By the last Arrivals from the Derwent, I received a Letter from Lieut. Governor Davey on this very Serious Subject, Reporting various atrocious Robberies and Depredations recently Committed by the Bush Rangers in the immediate Vicinity of Hobart town, and the Measures he had deemed it Expedient to adopt on the occasion. I herewith Do myself the Honor to transmit, for Your Lordship's further Information, Copy of Lieut. Governor Davey's last Report to me on this Subject, together with a printed Copy of the Proclamation therein Alluded to.

10. The new Court of Civil Judicature has not yet been assembled here, agreeably to the new Patent for its Establishment, which I fear will prove a very Serious Inconvenience and Disappointment to the Inhabitants of the Colony, who have Suits and Causes to bring before it. The Apartments in the New General Hospital, fitted up in a very neat Stile for a temporary Court House, have long since been Completed, which I have Officially Signified to Mr. Justice Bent, suggesting to him at the same time the Expediency and Necessity of his appointing an early Day for the Opening and Assembling of the Supreme Court of Civil Judicature. I am sorry to say, however, that My Suggestions have hitherto been Unattended to by Mr. Justice Bent, who declines Assembling the Supreme Court until the Arrival of Mr. Garling, the Solicitor, which Certainly Appears to me to be a frivolous and ridiculous Reason to assign for delaying so long the assembling of the Supreme Court, as it is very possible Mr. Garling may never Arrive at all in this Colony, and as there are Several Attornies (exclusive of Mr. Moore, the Solicitor, Already Arrived) here, who have hitherto practised before the former Courts, and who might still be permitted to do so before the New Supreme Court; but, as I have No Control over Mr. Justice Bent, in virtue of the new Patent, I can only remonstrate with him on the Impropriety of his so long postponing the Assembling of the Supreme Court on such frivolous Grounds, and which I have Already done more than once without Effect.

11. In pursuance of the Intention, I did myself the Honor of Communicating to Your Lordship in my Letter under date the 8th of October last, of establishing a Native Institution at Parra-

matta for Civilizing and Educating the Children of both Sexes, the School was opened on the 18th of January last, that day being Chosen for the purpose as being the Auspicious Anniversary of Her Gracious Majesty's Birth Day, when a few Children were voluntarily given up by their Parents and received into the Institution. Some others were afterwards brought in by their Parents, whereby the proposed Number of Six Boys and Six Girls were soon Completed, and in a Short time these Children Appeared to be perfectly happy and reconciled to their new Mode of Life. Some of their Parents, however, from an unaccountable Caprice, have since decoyed away their Children, and Six only remain now at the Institution instead of twelve. I have no doubt however of the Ultimate Success of the Institution, when the Elder Natives shall see and be Convinced that the few Children, who now remain in it, benefit so essentially from the Change in regard to their Health, Cleanliness and personal Appearance. The Natives, Naturally timid and suspicious, have not yet sufficient Confidence in Europeans to believe that this Institution is solely Intended for their own Advantage and Improvement; but, by bearing with their Caprices patiently and Indulging them a little in their Prejudices, I have no Doubt but their Repugnance to Civilization will soon yield and be entirely Overcome. I have already succeeded in getting Sixteen Adult Natives of this part of the Colony to settle permanently on a small Farm* on the Northern Shore of the Harbor of Port Jackson about Six Miles from the Town of Sydney, where I have had Comfortable Huts built for them, and they and their families appear to be perfectly Contented. I established these Sixteen families on their New Farm on the 31st of January last, and furnished them with some Slops, Agricultural Tools, and a Boat for Fishing, of which latter Occupation they are very fond; they have already made Some little progress in Cultivating the Ground, and by giving them some trifling assistance now and then from Government in the way of Slops and Provisions, I doubt not they will become Industrious, and set a good Example to the other Native Tribes residing in the Vicinity of Port Jackson.

1815.
24 March.
—
Establishment
and progress
of the native
institution.

Settlement
of natives on
a farm.

12. I have the pleasure of reporting to Your Lordship that the Road,† which I informed Your Lordship in a former Dispatch‡ had been Commenced upon in the Month of July last under the Direction of Wm. Cox, Esqr., Chief Magistrate at Windsor, from the left Bank of the River Nepean across the Blue Mountains to the new discovered Country to the Westward of them, was Completed in the Month of February last, so far as the Western Extremity of "Bathurst Plains" on the "Macquarie River," the

Completion of
road from the
Nepean to the
Macquarie river.

* Note 86. † Note 42. ‡ Note 105.

1815.
24 March.

Macquarie's
proposed visit
to Bathurst
plains.

Evans to
explore the
Macquarie river.

Character and
services of
J. T. Campbell.

Distance being upwards of one Hundred Measured Miles in nearly a due Westerly Direction to Bathurst Plains. The Whole of this Extent has been made a Safe Carriage Road, and great praise is due to Mr. Cox for his perseverance and arduous Exertions in getting it so soon Completed. The Road to the newly discovered Country being thus opened, it is My Intention to proceed thither Early next Month for the purpose of Surveying and ascertaining its real Value and Capabilities; for this purpose, I shall take with me the Surveyor General and the two Deputy Surveyors (including Mr. Evans, the first Explorer of this New Region), and some other Scientific Gentlemen, to assist me in My Survey and Examination of the Quality of its Soil, Timber, and other Natural productions. I also intend taking with me two small light portable Boats for the purpose of Ascertaining the Course of the "Macquarie River," and whether or not it Empties itself into the Sea on the Western Coast, which it is Supposed to do. I shall therefore detach Mr. Evans to trace the Course of this River on my Arrival at Bathurst Plains, where I am informed the Land is extremely fertile and luxuriant. On my Return from this Tour, which I expect will Occupy me at least a Month, I shall not fail to transmit Your Lordship a minutely detailed Report of the Result of All my Discoveries and Observations.

13. I have now to Solicit most earnestly and respectfully Your Lordship's kind Attention and favorable Consideration to a subject, on which I feel most warmly Interested. Mr. John Thomas Campbell, my present Secretary, a Gentleman of a most respectable family and liberal Education, was Originally Strongly recommended to me by his Friend, the Earl of Caledon, on my touching at the Cape of Good Hope in 1809 on my outward voyage here, where I first became acquainted with Mr. Campbell, and from whence he accompanied me as one of my family to this Colony. Mr. Campbell has ever Since been my Secretary, I having appointed him such immediately on my taking Charge of this Government on the 1st of January, 1810, now upwards of five Years ago; during this time he has lived an Inmate in my family on the Most Confidential and friendly Terms, and has discharged the Various and arduous Duties of his Office with an Assiduity, Zeal, Firmness, Honor and Incorruptible Integrity, that far Exceed any Commendation or praise I can possibly express or Convey to Your Lordship. He has proved himself on every Occasion extremely Useful to Me personally, and has Manifested at all times an honest and warm Zeal in promoting the public Service and the Welfare of the Colony. Under the present improved State of the Colony and the great Increase of its popu-

lation and Commerce, which consequently Entail a great Increase of troublesome and responsible Duty on the Governor's Secretary, I humbly beg Leave to State to Your Lordship that I do not Consider the Salary, at present Attached to his Office, as Adequate when Compared with that of other Officers in the Colony, who have not half the Duty to perform that the Governor's Secretary has. I therefore most respectfully and Strongly recommend that Mr. Campbell's Salary shall be Increased to £365 per Annum, and I also take the Liberty of most earnestly soliciting the favor of Your Lordship to Move His Royal Highness the Prince Regent to be graciously pleased to Appoint My friend and present Secretary, Mr. John Thomas Campbell, to be Colonial Government Secretary of New South Wales, with the above Mentioned Salary attached to that Situation. This Designation will add great Weight and Respectability to the Office of Secretary, and I trust it will not be deemed presumption in me to express a sanguine Hope that your Lordship will kindly grant my present Request in behalf of Mr. Campbell, which, Your Lordship may rest Assured, I should not have made at all, if he were not fully deserving of this Mark of Your Lordship's Favor and Kindness.

1815.
24 March.

Insufficiency of
Campbell's
salary.

Proposed
appointment
of Campbell
as colonial
secretary.

14. I send this Dispatch by the Ship Marquis of Wellington, bound direct to China and from thence to England; but this being a Very tedious and Circuitous Conveyance, I do not think it adviseable to send the usual Annual Returns and Reports of the present State of the Colony, the more especially as I have a direct Opportunity of forwarding them to England in two or three Months hence by the Ship Sydney Packet, recently Arrived from thence, which Vessel her Owners Inform Me will Certainly be dispatched direct to England in two or three Months at farthest.

Transmission
of despatch.

Returns and
reports *per* ship
Sydney Packet.

I have, &c.,

L. MACQUARIE.

P.S.—I take the liberty to forward herewith for your Lordship's notice and indulgent consideration, a Letter addressed to me lately by Mr. Evans, the Deputy Surveyor of Lands in Van Diemen's Land, Soliciting an increase of Salary, and also enclosing a Demand for Surveying Instruments; and I respectfully beg leave to recommend that Mr. Evans's Salary may be increased, and his Demand for Instruments Complied with.

Application of
G. W. Evans
for increased
salary.

Sydney, 24 March, 1815.

L.M.

[Enclosure No. 1.]

JOHN DRUMMOND TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 17th Feby., 1815.

As it appears from Earl Bathurst's Letter notifying my appointment as Naval Officer at the Derwent, that I am not

1815.
24 March.

Drummond's
application for
commission or
increased salary.

entitled to more than the fixed Salary of five Shillings per Diem, I most respectfully beg leave to state that, at the time the above situation was conferred on me, I firmly understood that I should be allowed (in addition to the above Salary) the usual per Centage on the (Port) Duties collected.

From the knowledge your Excellency has of the expence of living in this Colony, I need not state how totally inadequate the above Salary is to support a family, or to maintain the respectability of such an appointment as the one I now have the honor to hold.

I therefore have most respectfully to request that your Excellency would be pleased to make such application, as you may deem proper, to the Right Honble. The Secretary of State for the Colonies, in order that I may either be granted an increase to my present Salary or permitted to draw the usual per Centage allowed to Officers holding my situation.

I have, &c.,

JOHN DRUMMOND, Naval Officer.

[Enclosure No. 2.]

GOVERNMENT PUBLIC NOTICE.

By His Excellency Lachlan Macquarie, Esquire, &c., &c.

Government House, Sydney, Saturday, 31st December, 1814.

Public notice
re abolition of
restrictions on
importation
of spirits and
merchandize.

It being deemed conducive to the Commercial and general Interests of the Colony that the Restrictions now existing on the Free Importation of Spirituous Liquors shall cease and be discontinued; Notice is hereby Given, that His Excellency the Governor has determined to supersede those Restrictions, and henceforth to allow the Harbour of Port Jackson, in the Territory of New South Wales, as also the Harbours of Hobart-town and Port Dalrymple, in Van Diemen's Land, to be open for the free Importation of Spirits, in common with all other Articles of Merchandize from and after the first day of January next ensuing; and those Ports will accordingly be open from and after that Period, for the Importation of Spirits from all Foreign Ports or Places in Amity with Great Britain, subject nevertheless to such Duties as are now, or shall hereafter be laid upon them by the authority of this Government.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

1815.
24 March.

Government House, Sydney, Saturday, 31st December, 1814.

Civil Department.

HIS Excellency the Governor is Pleased to Order and direct, that from and after the First Day of January next ensuing, the Sum of Seven Shillings Sterling shall be levied and paid as a Duty on every Gallon of Spirituous Liquors, London Proof, which shall be brought into Port Jackson, Hobart-town, or Port Dalrymple in Van Diemen's Land, after the said First day of January next. But, with a view to render the Payment of that Duty as easy as possible to the Importers or Consignees, a Government Store will be provided for the Reception of such Spirits as shall so arrive, where they will be permitted to remain for a term not exceeding twelve Months, storage free, and the Duty only demanded as the Spirits shall be withdrawn from the said Store, And, at the same time it is ordered and directed by the Authority aforesaid, that the Importers or Consignees of Spirits shall either land and deposit them in the Government Store in the course of Four Days after arrival, or Pay the Duty on them at the time of their being entered with the Naval Officer, and gauged by the Government Gauger.

General orders
re duty on
spirits.Free bonded
store to be
established.

No less a quantity than One Cask will be allowed to be delivered from the Government Store, the Duty on which must be previously paid agreeable to the Gauge at Landing, and not by the actual Quantity in the Cask at Re-delivery.

Payment
of duty.

And it will be required of Persons, thus depositing Spirits in the Government Store, to enter into approved Security by Bond to the Naval Officer, for the payment of the entire Duty, at the rate aforesaid, within the Space of twelve Months from the Day of such Spirits being landed. And should any quantity remain longer than twelve Months in the Government Store, it will be subjected to a Charge for Store-house Rent, of One Shilling Sterling Per Cask, for every Week it shall so remain there beyond the said Period of Twelve Months.

Store charges
to be levied.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 31st December, 1814.

Civil Department.

THE Harbour of Port Jackson in this Territory, as well as those of Hobart-town and Port Dalrymple, in Van Diemen's Land, being by the Government and Public Notice of the present date

1815.
24 March.

General orders
re abolition of
retail issues
from public
stores.

declared open for the Free Importation of Spirits, and every other description of Goods and Merchandize, from and after the first day of January next, subject, however, to such Duties as are now, or shall be hereafter, laid upon them by the Authority of this Government; and as the freedom of Trade with foreign Ports and Places in Amity with Great Britain affords the fullest assurance of supplies from time to time adequate to all the Demands of the Colony, it will no longer be necessary that this Government should continue to import Articles in future for Distribution among the Settlers; and the Public are therefore hereby informed, that no Articles will in future be distributed from the Government Stores to any Individual whatever.

It is therefore to be clearly understood, that no application is to be made by any Person whatsoever for any Articles from the King's Stores, after the Promulgation of this Order.

In making this Communication to the Public, the Governor has also to order and direct that no Officer belonging to the Commissariat shall in future make any Issue of Articles from the Government Stores to any Person or Persons whatever; and neither directly or indirectly to apply any of such Articles to his own use without having previously obtained a written Order for that Purpose from His Excellency the Governor.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

LIEUTENANT-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

Sir, Government House, Hobart Town, 13th March, 1815.

Repressive
measures
adopted against
bushrangers.

It is with the deepest regret I have to report to Your Excellency that the depredations of the Bushrangers have at length become so outrageous and alarming, as to compel me to adopt the most rigorous and decisive measures within my Power against them; And that I have accordingly sent armed Parties into the Woods with Orders to Apprehend all Persons, illegally ranging therein, and have given them power to resort to force of Arms in case of necessity requiring them to do so.

The Accompanying Affidavits* will, I trust, convince Your Excellency of the imperious and indispensable necessity for the adoption of these measures, which have not arisen from any intemperate determination, but from the most mature Conviction of their Propriety.

Independent of the Personal injuries, which Mr. Humphrey and Barth'w Reardon have sustained by the wanton and Malicious attack made upon their Property, its effects will also be

* Note 106.

severely felt by the whole Settlement, as there is not sufficient Grain in it to Answer the annual Consumption of its Inhabitants; the quantity, destroyed* at Mr. Humphrey's and Reardon's the Constable, amounts to Considerably over Three Thousand Bushels; and, as it must be evident to Your Excellency that the Persons, who perpetrated the act, were solely directed from a Spirit of revenge to intimidate Mr. Humphrey and others from Acting against them in future, I should hope Your Excellency will concur with me in deeming it only Justice that Mr. Humphrey and Reardon should have their losses made good by Government. Mr. Humphrey was not at home at the time, but had been in town some days in the performance of His Magisterial duties by my express Commands, which, if possible, adds to the Concern I feel for his Loss.

1815.
24 March.

Destruction
of grain by
bushrangers.

Proposed
compensation
for Humphrey
and Reardon.

Lieut't Carne, of His Majesty's 46th Regiment having applied to me for three Months leave of Absence to proceed to Sydney on his Private affairs, I have acceded to his request, and he takes his Passage in the Ship Sydney Packet.

Leave of
absence granted
to Carne.

Captain Wilkinson of the Ship Sydney Packet having supplied me with Six Stand of Arms on Government account, I have granted him a receipt for the same, and have to request the same quantity may be returned at Port Jackson.

Arms supplied
for use in
Tasmania.

Having had much cause of late to be dissatisfied with the Conduct of John Wade, Chief Constable of this Settlement, I have particularly to request Your Excellency will not confirm the Grant of Land, which was measured for him at Pit Water by the Surveyor; upon this Subject, I shall be more explicit in my next communication.

Misconduct of
John Wade.

I have the honor to enclose Your Excellency a Proclamation which I have published upon the Subject of the Bush rangers, and which I hope will meet Your Excellency's Approbation.

I have, &c.,

T. DAVEY, Lt.-Governor.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

PROCLAMATION.

By Thomas Davey, Esquire, Lieutenant Governor of His Majesty's Settlements on Van Diemen's Land, and Lieutenant Colonel of the Royal Marine Forces, &c., &c., &c.

Lieutenant-
governor Davey's
proclamation
re bushrangers
and their
accomplices.

WHEREAS divers Felons and other Persons have absconded from their lawful Occupations, and are now associated in Banditties in the Woods of this Island, committing the most atrocious Outrages and Roberies to the great terror of His Majesty's peaceable Subjects, and to the manifest and serious injury of their Properties; the Lieut. Governor, with a view to put an end to practices so

* Note 107.

1815.
24 March.

Lientenant-
governor Davey's
proclamation
re bushrangers
and their
accomplices.

subversive of social order and the peace of His Majesty's Subjects residing under his Government, is pleased to offer a Reward of Fifty Guineas to be paid to any Person or Persons, whether Free or Bond, who will Apprehend and lodge in safe custody any Felon or other Person so unlawfully associated or ranging in the woods as aforesaid. And the Lieut. Governor is further pleased to declare that, if any Prisoner or other Person associated or ranging as aforesaid will deliver himself up to any of His Majesty's Justices of the Peace, and give such Information as may lead to the apprehension and conviction of one or more of his Companions, or any other Person or Persons so illegally associated or ranging in the woods as aforesaid, the Person, giving such Information, shall not only be pardoned and held harmless for the offence, which he may have committed in absconding from his lawful occupation, but shall also receive the strongest Recommendation to His Excellency the Governor in Chief for a Free Pardon and a Passage to his Native Country at the expence of Government, provided the Person giving such Information has not been a principal in any act of Capital Felony during the period of his having been so illegally associated.

And the Lieut. Governor, being fully aware that the Felons and other Persons, above alluded to, have been countenanced, encouraged, aided and assisted by many evil disposed Persons, now residing under his Government, whereby they have been the better enabled to perpetrate their various atrocities, and being determined to bring all such Persons to the most exemplary Punishment, is further pleased to offer a Reward of Fifty Guineas to any Person or Persons, who will give such Information as may lead to the conviction of any Person or Persons of whatever description, who may have in any manner illegally corresponded with, countenanced, aided, or abetted any of the above Felons and illegally associated Persons, in order that the Person or Persons so offending may be brought to Trial as accessaries, aiders, and abettors of Felony, and dealt with accordingly.

THOMAS DAVEY.

God Save the King.

Hobart Town, March 11th, 1815.

[Enclosure No. 7.]

ASSISTANT-SURVEYOR EVANS TO GOVERNOR MACQUARIE.

Hobart Town, Van Diemen's Land,

Sir,

1st February, 1815.

Confident that any reasonable request, which may be made to your Excellency by any Officer, who has the honor to be under your command, will meet your generous attention, I presume most respectfully to solicit your recommendation to His Majesty's

Evans'
application for
increased salary.

Ministers for an augmentation of the Salary attached to the performance of the duties of His Majesty's Land Surveyor on this Island.

1815.
24 March.

Evans' application for increased salary.

Your Excellency, being perfectly acquainted with the excessive price that every necessary article bears at these Settlements, must also be aware that the small sum of Five Shillings per day (from which the income Tax is deducted) is a very inadequate compensation for the arduous duties I have to attend to as Land Surveyor, especially if your Excellency will be pleased to take into consideration the expences I am frequently compell'd to incur in exploring this extensive Island, together with the charges attending my Journies from hence to Port Dalrymple (a distance of One Hundred and twenty Miles), where my presence is required at least twice a Year; and when to these circumstances is added the loss I annually suffer in the unavoidable destruction of my apparel in travelling through the woods, your Excellency will not be surprized that I find it more than difficult to support myself on my present allowances with that degree of respectability, which my situation requires.

Having had the honor to serve His Majesty for a number of Years at Port Jackson, and have every reason to believe to your Excellency's satisfaction during the time you have administered the Government of these Colonies, I have taken the liberty to make the preceeding application in the humble hope that you will be pleased to make such representations to His Majesty's Ministers in my behalf, as may induce them to sanction an increase of Salary with allowances equivalent to the important appointment I now hold, An appointment to which I was originally nominated by your Excellency, and which has recently been most graciously confirmed by His Royal Highness the Prince Regent.

I have, &c.,

G. W. EVANS.

P.S.—The several Surveying Instruments and other Articles specified in the accompanying Demand, being essentially necessary for enabling me to execute my Duties as Deputy Surveyor of Lands, I have to request your Excellency will move the Rt. Honble. the Secretary of State to order them to be purchased and sent out to me by an early opportunity.

G. W. EVANS.

[Enclosure No. 8.]

A DEMAND for Instruments, etc. required for His Majesty's Settlements on Van Diemen's Land. Viz.

Two Circumferentors with sights complete.

Six spare Needles for do.

Two Pocket Compasses.

Requisition for surveying instruments, etc., to be used in Tasmania.

1815.
24 March.
Requisition
for surveying
instruments,
etc., to be used
in Tasmania.

A DEMAND for Instruments, etc.—*continued*.

One Case Mathematical Instruments complete.

One Case do. do. for the pockett.

Spare Compasses of sizes.

Beam Compasses.

Parallel Rulers of sizes.

Plotting Scales and Brass rulers.

Two Gunter's Chains.

One Box Colours.

One small Tent complete.

Large Elephant Paper, Writing Paper, Memorandum Books,
Quills, and Pencills.

G. W. EVANS, Depy. Surveyor.

Hobart Town, February 1st, 1815.

Approved:—L. MACQUARIE.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Baring; acknowledged by Governor Macquarie,
18th March, 1816.)

25 March.
Transmission
of Ingle's
memorial.

Sir,

Downing Street, 25 March, 1815.

I am directed by Lord Bathurst to transmit for your
Consideration the Copy of a Memorial addressed to His Lordship
by Mr. Jno. Ingle, a Merchant at Van Dieman's Land, together
with a Certificate from Lieut. Govr. Davey recommending him
to the favorable Consideration of His Majesty's Government.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

The memorial of
John Ingle.

THE HUMBLE MEMORIAL OF JOHN INGLE, OF VAN DIEMAN'S LAND,
NEW SOUTH WALES, MERCHANT.

To the Right Honorable Earl Bathurst, His Majesty's Principal
Secretary of State for Colonial Affairs.

Sheweth,

That your Memorialist in the Year 1803 left England with,
and under the Patronage of, Lieutenant Colonel Collins for Van
Dieman's Land, and on his arrival was appointed overseer of
Convicts.

That Your Memorialist carried with him the whole of his
Property in Merchandize, &c.

That Your Memorialist became a Settler, and is so at this
time; that he married in the Colony, and has 5 Children
(Daughters), whose welfare depends upon your Memorialist's
success in the Colony.

That Your Memorialist, Some years Since, obtained a Grant
of 500 Acres of Land, which he has Cleared and Cultivated at a
great expence.

That Your Memorialist has, since that period, obtained another Grant of 300 Acres of Land from Governor Macquarie, but in consequence of your Memorialist's Stock of Cattle having considerably increased, and being now very numerous, as appears by the enclosed Memorial, and Certificate of Lieutenant Governor Davey therein, he finds the land so granted to him insufficient for the Support of his numerous Stock and his necessary agricultural pursuits.

1815.
25 March.
The memorial of
John Ingle.

That Your Memorialist is desirous of erecting Several Buildings for the better protection of his Cattle, &c., but, inasmuch as the necessary Erections will be attended with a very considerable expence, and for which your Memorialist cannot expect any adequate compensation or remuneration without a further Grant of land, and which your Memorialist humbly Solicits, from the length of time he has been in the Colony, and having risked the whole of his property therein, whereby the Colony has been, he trusts, in Some measure benefitted, that he has Some Claim upon His Majesty's Government.

That your Memorialist further humbly States that understanding that the Situation of Naval Officer at this Colony is, or will be shortly, Vacant, in Consequence of the Present holder Lieutenant Campbell being about to leave the Colony, and your Memorialist conceiving himself competent to fulfil the duties thereof.

Most humbly prays Your Lordship for a further Grant of 2,000 Acres of Land in three Separate Allotments, with 12 Government Men, and that your Lordship will be pleased to appoint your Memorialist to the Situation of Naval Officer in the event of the same becoming vacant.

And your Memorialist as in duty bound, &c.,

JOHN INGLE.

[Enclosure No. 2.]

[A copy of lieutenant-governor Davey's certificate is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 18th April, 1815.

18 April.

I am directed by Earl Bathurst to transmit to you an Assignment of Male Convicts embarked on Board the Baring for the Colony under your Government.

Assignment
of convicts
on transport
Baring.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

1815.
30 April.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 42, per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 30th April, 1815.

Recommend-
ation of
Walter Lang.

I am to acquaint you that permission has been given to Mr. Walter Lang, a Settler at the Derwent, to take out the Materials of a Steam Engine, which he proposes to erect at Hobartston; and, as this undertaking cannot fail to prove of Benefit to the Settlements on Van Dieman's Land, I am to desire that you will give Instructions to Lt. Gov. Davie to afford Mr. Lang any assistance that may be reasonable in forwarding his Views.

Mr. Lang has also applied for a Grant of Three Thousand acres of Land; But, altho' I have received a favorable Account of his Character and he has produced satisfactory Evidence that he is possessed of considerable Property, I declined to authorize a Grant of this Magnitude.

Mr. Lang states that he has only received one Hundred Acres from H.M.'s Govt., and I leave it to you to instruct Lt. Gov. Davie to pass a Grant to him of such an Extent as, under all the Circumstances, you may think him entitled to.

I have, &c.,
BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

8 May.

Sir, Downing Street, 8th May, 1815.

Parliamentary
vote for civil
establishment.

The House of Commons having voted the Sum of £12,787 15s. 0d. for the Civil Establishment of New So. Wales, from the 1st Jan. to 31 Dec., 1815, I am directed by Earl Bathurst to enclose for your information a Copy of the Estimate upon which the Grant is founded.

I have, &c.,
HENRY GOULBURN.

[Enclosure.]

ESTIMATE FOR THE CIVIL ESTABLISHMENT FOR 1815.

Estimates
for civil
establishment
for year 1815.

(The Estimate for the Main Settlement for 1815 is identical with that for 1814, with the exception of the three following omissions:—)

	£	s.	d.
Stationery	20	0	0
Mineralogist	91	5	0
Allowance to Governor Phillip	500	0	0
	611	5	0

Sum total estimated for Main Settlement 9,257 10 0

ESTIMATE for the Civil Establishment for 1815—*continued.*

ESTIMATE for the Civil Establishment for 1815— <i>continued.</i>				1815. 8 May.
<i>Hobart's Town.</i>				—
	£	s.	d.	Estimates for civil establishment for year 1815.
Lt. Govr. of Van Diemen's Land	800	0	0	
Deputy Judge Advocate	600	0	0	
Clergyman	260	0	0	
Surgeon	182	10	0	
First Ass't Do.	136	17	6	
Second Do. Do.	91	5	0	
Deputy Surveyor	91	5	0	
Two Superintendants of Convicts at £50 per An. ea. ...	100	0	0	
<i>Port Dalrymple.</i>				
Allow'ce to the Officer in Com'd of the Settlement	182	10	0	
Clergyman	182	10	0	
Surgeon	182	10	0	
Assistant Surgeon	136	17	6	
Two Superintendants of Convicts at £50 per an. ea. ...	100	0	0	
Agent	150	0	0	
On account of fees for receipt and audit	350	0	0	
	12,787	15	0	

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship *Fanny*; acknowledged by Governor Macquarie.
22nd March, 1816.)

Sir, Downing Street, 22d May, 1815. 22 May.

Mr. Ponsonby having requested me to forward Daniel Connolly, who was transported to New South Wales in the year 1813 or 1814, thirty pounds sterling, and not knowing in what manner to effect the object which he has in view, I have to request that you would, if the Individual be still living in the Colony, pay to him that Sum and draw upon me for the amount, transmitting at the same time Daniel Connolly's receipt.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1815," per ship *Sydney Packet*;
acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales,

My Lord, 22nd June, 1815. 22 June.

In a former Despatch* announcing the Arrival and Promulgation of the Letters Patent Establishing the New Courts of Civil Jurisdiction, I had peculiar Satisfaction and Pleasure in being Enabled to Inform Your Lordship of the Sensations of grateful Acknowledgment, with which this Most Gracious Instance of His Royal Highness the Prince Regent's paternal Sollicitude for the future Prosperity of this Colony had been Universally received.

* Note 108.

1815.
22 June.

Unexpected
delays in
establishing
new courts.

Occurrences of Such a Nature, as I Could not have Anticipated, and from a Quarter that I should have least Expected them, have, however, Most unfortunately for the Colony, taken place, whereby His Royal Highness's Purpose in the Establishing of our New Courts has become for the present Nugatory, by all Legal Proceedings in the Supreme Court being rendered Impracticable.

To explain these Circumstances and to Appeal thereon to Your Lordship's Superior Judgment and Enlightened View of a Subject, on the Determination of which much of the future Prosperity and Welfare of the Colony Appears to me to depend, is the Object of the present Communication, which I shall endeavour to Compass within as Narrow Limits as the Nature of the Case and My own Judgment of its Importance will admit.

Constitution of
first court.

After many very unnecessary Delays on the part of Jeffrey Hart Bent, Esqr., the Judge, in regard to the Assembling of the Supreme Court, it was at length Announced by him that it would Commence its Sittings on the 1st Ultó.; and, thereon in Terms of the Patent, I nominated William Broughton and Alexander Riley, Esquires* (Magistrates resident at Sydney) to be the Associated Members with him.

Meetings and
adjournments
of the court.

Not foreseeing that any Difficulties Could possibly Arise to Impede the regular Course of Proceedings in that Court, I proceeded, previous to its assembling, on my Tour to the Country lately Explored beyond the Western or Blue Mountains, and only learned on my Return on the 19th Ultó. that it had repeatedly assembled and been as frequently adjourned, without having Even Entered upon any Business Wherein the Public were Concerned, and that the time of the Court had been principally Occupied in a Discussion on the Expediency and Legality of Admitting persons under Certain Circumstances to become Practitioners in that Court; Some of whom then prayed by Petition to be admitted to that Privilege.

Petitions for
admission
as attorneys.

The Petitioners were by Profession Attornies, and had been Originally transported to this Country as Convicts, but had (at different periods either by Virtue of their limited Sentences of Transportation having Expired, or by Emancipation in Consequence of good and regular Conduct) become Free Men, and had been regularly Admitted under the former Patent, and, Up to the period of its being Superseded by the present One, to plead in the Judge Advocate's Court either as regular Attornies or as the Agents of Others from whom they held Powers of Attorney.

It appears from the Reports made to Me by the Members, whom I had Associated with Mr. Bent, that this Gentleman, in his first Conference with them on the Subject of the Petitions,

1815.
22 June.J. H. Bent's
objection to
admission of
ex-convicts as
attorneys.

laid it down as a fixed Principle that by Act of Parliament no person, Convicted of Certain Crimes, Should be permitted to practise as Attornies in that Court; and hereon he endeavoured to lead those Gentlemen into a full Coincidence of Opinion with himself that the petitions, then before them, Should be dismissed on the Ground that the Petitioners were legally disqualified for Admission into any Court of Justice as Attornies, they having been Convicts and transported to this Colony.

The broad Principle of Disqualification, thus laid down by Mr. Bent, was not however Acquiesced in by the Associated Members, who Urged that the Act of Parliament,* which he had Quoted, limited its own Operation in express Terms to that part of Great Britain, Called Britain; and, for that and other Reasons, it Appeared to them that no Disqualification arose out of that Act to the re-admission of Attornies to the practice of their Original Profession in any other part of His Majesty's Dominions than England; they then urged the Inexpediency and Severity of adopting at this late period a Principle of Exclusion, which had never been heretofore Acted upon in this Colony, and which was not only Illegal, but also highly Impolitic, in a Settlement where the Chief Mass of the Population Consisted of Persons, who either then were or had been at some former period in that unfortunate situation, and whose Reformation must in great Measure depend upon the Continuance of that humane policy, which had thrown open a Door for the admission of such persons on long tried and approved Good Conduct into that Class of Society, where they would Enjoy the Privileges of Free British Subjects.

Protest of
members of
court against
disqualification
of certain
attorneys.

It would be tedious, My Lord, to give a Detail of All the Arguments Urged on both Sides of the Question at the different Meetings, which took place between the Judge and Members of the Supreme Court up to the last day of their Meeting on the 25th Ult., nearly the same grounds having been gone over by each as on the first Occasion. The Recapitulation of them, here, is the less Necessary, as I find it Incumbent on me to transmit Your Lordship All the Documents, I have been Able to Collect, on this most Important Subject, which Your Lordship will find in the Accompanying Continued Series, Consisting of Seventeen distinct Numbers, running, either According to the Order of their Date or other Circumstance of Priority, from No. 1 to No. 17 Inclusive, and Labelled "Documents relative to the Supreme Court."

Arguments for
and against
admission.

As My Letter of the 18th of April* to Mr. Bent, the Judge of the Supreme Court, recommending the Prayer of Certain Petitions, then transmitted by me to the favorable Consideration

1815.
22 June.

Macquarie's
repudiation
of charge of
influencing
decision of
court.

of that Court, has been made the Subject of much Illiberal and unfounded Calumny against me by that Gentleman, who has dared to tax me with Exercising an Undue Influence over the Minds of his Associated Members by Making such a Recommendation to them, I Cannot suffer it to pass without requesting Your Lordship's kind Attention to the Letter in question, trusting that Your Lordship will see from the Whole Tenor of it that, so far from Attempting to Exercise any Influence Whatever, that the referring the Business thus to Him and the Associated Members of the Court was in Effect the Clearest proof of my leaving the Object of those Memorials Altogether to the Discretion and Free Decision of that Court. It is true that I recommended their Cases to the favorable Consideration of the Court; whereby I merely meant to have it Understood that, in the Event of their being Admitted as Attornies by the Court, I should for the Reasons given in My Letter Confirm their Admission, when in Conformity with the Terms of the Patent they Should be Submitted to Me for Approval. On the Subject of those Memorials, I never once had any Communication, either personal or by Letter, direct or indirect, with either of the Associated Members; and of Course no Attempt Could have been Made by Me to Influence their Opinions, even Supposing those Gentlemen were Capable of being Influenced or Warped in their Decisions on a point of Such public Importance; and I cannot here Avoid expressing My Indignation at the equally Illiberal and unjust Charge, made on this Score by Mr. Bent, alike Affecting My Honor and that of the Associated Members of the Supreme Court.

J. H. Bent's
denial of
enacting any
general
principle.

In the latter part of the Correspondence between Mr. Bent and the Members, the former Affects to disclaim the having laid down as a general principle that Transportation was an Insurmountable Barrier to Persons being Admitted to Act as Attornies in the Law Courts here, and has Endeavoured to throw an Air of Ridicule over the Conduct of those Gentlemen by Charging them with protracting the Business of the Court merely for the Sake of one person, Namely George Crossley. The Unfairness of the Imputation and its total want of even the Colouring of Truth I Conceive very Clearly and Satisfactorily Appears in the Reply* of those Gentlemen, under date the 30th Ult., where they declare "that they All along Considered the purport of the Opinions given by Mr. Bent, and of the Arguments whereby he Supported those Opinions, to be Unequivocally that he would never Allow any Men to practise before him who had Come to this Country as Prisoners." Whilst they add, in refutation of the Charge that Mr. Crossley was alone the Occasion of their

* Note 111.

Difference in Sentiment, that "the Question, whether Mr. Crossley, Mr. Eagar, or Mr. Chartris should be Eligible for this Privilege as Individuals, was in their Minds, as they had Expressly Stated, of Very trivial Consideration;" they Conclude this passage of their Letter in the following Terms, which I Conceive are demonstrative in the Most satisfactory Degree that their Minds were Occupied with Objects far different from and much more dignified than those Imputed to them by Mr. Bent. "Their Dismissal" (meaning the Petitioners) "on *particular Objections* Could only Affect themselves, while it being Decreed by the Court that *no Persons transported to New South Wales* should *Ever* be Admitted, however reputable their Characters might Subsequently prove, would in Our View of its Tendency have Such baneful Consequences, and be so absolutely Contrary to the first Principles of Justice, that we can Never Assent to its Promulgation"; and Conclude their Letter with making a proposition, in order to prevent if possible the Injury the Colony must receive, if an entire Suspension Should take place in the Proceedings of the Supreme Court, "that until the Pleasure of His Majesty is known on the future System to be adopted in this Territory, Such of the Petitioners as are in Usual Respects Considered fit and proper (without looking to the Consideration whether they have or have not been Prisoners) should be Allowed to practise, *not as Sworn Attornies*, but Simply as Agents under the respective Powers of Attorney they May be furnished with." To this proposition, the Reply of Mr. Bent Concluded with the Unreserved Declaration, "I never Can depart from my Determination Not to sit in a Court where they are Admitted to practise."

1815.
22 June.

Objection of members of the court to the principle involved.

Compromise suggested by members of court.

J. H. Bent's refusal of compromise.

Misconceptions to be avoided.

To avoid any Misconception and Consequent Misrepresentation of the Actual and real Cause of the Disputes between Mr. Bent and the Members of the Supreme Court, which have terminated in a total Suspension of the primary Functions of a Court of Justice, I have been induced to Make the foregoing Extracts, previous to my Conveying to Your Lordship my own Sentiments. Altho' I had purposed in the Beginning of this Letter Merely to refer Your Lordship to the accompanying Documents themselves.

I trust that, on the perusal of those Documents, it will appear in the Same point of view to Your Lordship, as it has done to Me, that Mr. Bent, in adopting the Principle of *total and Unqualified Exclusion*, has been Actuated by Motives and Considerations altogether repugnant to the benignant Views of that Government, which Originally founded this Colony, in the Charitable Hope that Men transported hither would be found worthy of

J. H. Bent's action contrary to public policy.

1815.
22 June.

Policy of
encouragement
of emancipists
and others.

being restored to a Participation in those Rights and Privileges from which by their former Convictions they had been justly Suspended. The Number of Persons* in the Various Situations of humble Life, who are at this time to be found here honest, Sober, industrious, and otherways respectable, Altho' once Convicts, is the best Proof of the Wisdom and Sound Policy of that System; And I must here Observe that the Principle, if Wise as to the Mass of the people in the humbler Walks of Life, must be at least Equally wise and just as it applies to those of More liberal Education, who have been brought up to respectable Professions. In this View of the Subject, it Appears to me highly Impolitic and Unreasonable to Exclude men from resorting to the Exercise of their former Profession, when by Law they are restored to the General Rights of Free Subjects.

J. H. Bent's
objections to
association with
emancipists.

Mr. Bent Expresses himself Warmly at the Contamination, which he says must Arise from the permitting Persons of this Description to Plead in a Court of Justice; but, whilst he seems to feel thus Indignant at Such a Violation being Offered to his Feelings, he overlooks Altogether, or treats with the greatest Indifference, the Feelings of Others; for, if Contamination necessarily Arises from Such Intercourses, His Brother, the Judge Advocate, And All his and My Predecessors in this Government, as well as Myself, must have been Exposed to it of our own Free Will, it being an Incontrovertible fact that, from the Foundation of the Colony to the present time, Attornies, who had been Convicts, have been permitted to plead both in the Judge Advocate's Court and in the Court of Appeals wherein the Governor personally presides; but it has been reserved for Mr. Jeffrey Hart Bent to discover Degradation and Insult to his Dignity in a Measure, which I or my Predecessors were not Capable of discerning. Thus in indirect Terms this Gentleman has presumed to pass Censure on the Conduct of All the Governors of this Colony, from its Foundation to the present Day, for having Compromised the Dignity of the Station, in which they have been placed, by Suffering Such persons to Come into their Presence in the Exercise of their Original Professions.

Previous
admission of
ex-convicts as
attornies.

J. H. Bent's
misinterpre-
tation of
statute.

The Circumstance of Men being totally disqualified from Acting as Attornies in this Country under the Act† of Geo. 1st, as quoted by Mr. Bent, even Supposing that it was in Contemplation of the Legislature to Extend its Operation to all the Colonies and Settlements of Great Britain either then or Subsequently in Existence, might possibly have been a justifying Reason for Such Men being Excluded here in the first Instance, Considering the Point merely one of Law and not of Expediency; but this Objection having never been made until the present

Time, And Attornies having been Uniformly permitted to Plead in the Courts here, who had been Convicts, Seems to bespeak a Disposition on the part of His Majesty's Government to Consider that Act as either not Applying to this Country or that the humane Policy, of permitting Such Men to resume their original Professions here, Counterbalanced all other Considerations; And more particularly as this Act of the Legislature had been passed upwards of half a Century before the Establishment of this Colony had been Contemplated.

1815.
22 June.

J. H. Bent's
misinterpretation of
statute.

I have so far, My Lord, dwelt on the Arguments Used for and Against the Admission of Men to practise as Attornies, who had been once Convicts; and as I think those in favor of their being restored to their Original Rank and Standing in Society far very far outweigh those on the other Side of the Question, I have at once Admired and respected the Cool, sensible and dispassionate Manner, in which those Arguments had been brought forward by Mr. Broughton and Mr. Riley, and Lamented that a Gentleman of a liberal Profession should have so far lost Sight of the Dignity and Decorum of his Situation in a Public Court of Justice, as to have Recourse to Language so very intemperate, illiberal and unjust, as that which Mr. Bent has made Use of on this Occasion.

Able advocacy
of Broughton
and Riley for
admission of
attornies.

J. H. Bent's
undignified
conduct.

Having now laid before Your Lordship this Detail of Proceedings, with my own Remarks and Observations thereon, I beg further to trespass on Your Lordship's Time by representing the Situation that the Colony is reduced to by these Measures.

Consequences
of J. H. Bent's
actions.

1st. At present there is only one Attorney in the Colony (Mr. Moore), who will be permitted to Act as such in either of the two Courts of Civil Jurisdiction; and, Consequently, only one Party in any Cause Can have the Assistance of an Attorney whereby the party, who has not retained him, will have to Contend (if permitted to advocate his own Cause) with the superior Knowledge and Skill of a professional Man.

One attorney
only available.

2d. Many persons in England and elsewhere having Confided the Management of their Affairs in this Country by Virtue of Powers of Attorney to those Persons, who have been heretofore permitted to Plead Professionally as Attornies, but who are now prohibited even the Common Privilege of any Ordinary Member of the Society, that of Conducting the Business of those Persons who have Confided their Affairs to them, the Consequence is that All the Property of Persons residing out of this Territory, which has been so entrusted, must remain Unrecovered Until the present Nomination of Agents Shall be Altered.

Powers of
attorney
rendered
nugatory.

3d. Mr. Bent having originally deferred the Assembling of the Supreme Court in express Terms, because Mr. Garling the

1815.
22 June.

Supreme court
to await the
arrival of
Garling.

J. H. Bent's
action
unwarranted.

Inconvenience
and
disappointment
at suspension
of judicial
proceedings.

J. H. Bent's
undignified
action.

Attorney had not Arrived here, thereby making his Presence *Necessary* to the Constitution of the Court, He must of Course Continue to defer Proceedings in it for an indefinite Length of Time, as Mr. Garling has not yet Arrived,* and there is Reason to believe that the Ship Francis and Eliza, in which he was a Passenger, has been Captured by an American Privateer.

I believe, My Lord, this is the first Instance of a *Lawyer* expressing, and Acting on, the Opinion that the presence of any particular practising Attorney was necessary to the Construction of a Court of Justice, and I still trust it is not Warranted either by the Terms of the Patent or the Dictates of Reason.

It would be trespassing too much on Your Lordship's Time, were I to recapitulate or dwell on the Numerous Evils which Must Necessarily result from the Suspension of Judicial Proceedings in this Colony, and which may be termed nearly Incalculable; particularly when it is taken into Consideration that no Court of Civil Jurisdiction has sat for nearly twelve Months. and the Public have naturally looked forward to the Assembling of the Supreme Court with a reasonable Degree of Anxiety, Connected with a Common Regard to their own Interests. In this Hope, however, they have met severe Disappointment, a Disappointment solely Attributable to the Conduct of Mr. Bent, who, in seeking to preserve his own Dignity and to Consult his own personal feelings, has entirely lost Sight of the Dignity of a Court of Justice and the Feelings of the Members Associated with him. Nor Can this be made more manifest than by the Language he made Use of to those Gentlemen, the grossly Offensive and insulting Nature of which tended to bring their Opinions into Disrespect and to proclaim himself the Sole Arbiter of Justice. Neither is this the only Evil likely to be felt in a Colony, so Circumstanced as this is. The public Mind is liable to receive and to be governed by Impressions of a Very Serious Nature, When they find the Judge of their Supreme Court hurried away by the Impetuosity of his Passions even on the Bench of Justice.

It might have been reasonably Expected that a Barrister of Ten Years Standing (as Mr. Bent takes frequent Opportunity of describing himself) would have learned and adopted a very different Line of Conduct from the Example and Deportment of Our Enlightened English Judges, who, to their own Honor and that of their Profession, Administer Justice Calmly, dispassionately and Impartially.

Aware of the Consequences that would be generally felt by the Suspension of the Supreme Court, which I learned with much Regret on my Return to Head Quarters from My late Tour, I

addressed a Letter to Mr. Bent (No. 15 in the accompanying Series), dictated by a Spirit of Moderation and Conciliation, which I trust will meet Your Lordship's Approbation, and that you will Consider it entitled to a very different Reply from that it Obtained (No. 16), which Your Lordship will observe is Couched in highly disrespectful and insulting Language, Contumeliously braving My Authority in a Manner, which Can only be Considered deliberately and Malignantly Calculated to bring the executive Government into Disrespect, if not into absolute Contempt, and proclaiming himself (as Judge of the Supreme Court) Independent of the Governor of the Territory, under whose Authority the Members were Associated with him, and to Whose Approbation, the Patent Specifically prescribes, the Appointment of All Clerks and Officers of that Court shall be Subject. I will leave Your Lordship in possession of My Letter to Mr. Bent and his Answer, without further Animadversion on the Arrogance, Insolence and intolerable Spirit of Insubordination; which teem thro' every Period of it.

As Mr. Bent's Letter, to which I have just Alluded, Struck so forcibly at the Root of all further Intercourse that Could be possibly expected on the Score of Good Will or gentlemanly Explanation, I Contented myself with Sending the Reply to it, which Your Lordship will find Marked No. 17; and there Our Correspondence terminated.

I here take Occasion to Observe that the Alarm and Indignation, excited by Mr. Bent's Conduct, were so general that I was waited upon by the Provost Marshal with a Requisition, Signed by Several of the respectable Traders and Inhabitants of Sydney, to Call a Public Meeting on the Occasion; but Delicacy towards Mr. Bent, and a greater Regard for his Dignity than he had Shewn for mine, induced me to discountenance the Measure; in which I was led to Cherish the Hope that Mr. Bent would have seen the Impropriety of his Proceedings, and Yielded to the reasonable Terms of Accommodation proposed by the Associated Members, if not as a Tribute of Respect to me or My Authority, at least with a View to the Public Good; but He Continued Inflexible, and the Functions of the Supreme Court are now in Consequence suspended, and the Interests of the Commercial World, as well as All others, Sacrificed to the Illiberal Opinions and System, which he has fastidiously endeavoured to Obtrude upon the Country.

Before Closing my Observations respecting Mr. Bent, it may perhaps be Necessary to advert to that part of his Letter, wherein he Charges Me with Disrespect to him in not having at any time addressed him by the Title of "The Honourable," which he

1815.
22 June.

Correspondence
between
Macquarie and
J. H. Bent.

J. H. Bent's
denial of
Macquarie's
authority.

Termination of
correspondence
with J. H. Bent.

Public
indignation at
J. H. Bent's
conduct.

Suspension
of sittings of the
supreme court.

J. H. Bent's
claim to be
addressed as
"Honourable."

1815.
22 June.

J. H. Bent's
claim to be
addressed as
"Honourable."

tells me he has equally a Right to as any Governor to that of "Excellency." Certain it is, had I been At All aware of his being entitled to that Distinction, I should have been happy to have rendered it to him; but, as I had not any Communication that referred to him, Wherein he was so Styled, I should have Considered the Distinction ill timed; and I Can only add that, had he made any friendly or Courteous Communication to Me on the Subject, I should very Cheerfully have Attended to it.

Rules and
regulations of
governor's
court.

Since the Commencement of the present Dispatch, having learned that Some Rules and Regulations had been Adopted by Mr. Ellis Bent, the Judge Advocate, and his Associated Members in "The Governor's Court," the Tendency of which was to Exclude All Persons who had Come Prisoners to this Colony from practising in that Court, and having Reason to Suppose that this Measure had proceeded from a Disposition to Co-operate with his Brother, The Judge of the Supreme Court, on this Subject; I addressed a Letter to the former (No. 18 annexed to the present Series), Calling upon him to furnish Me with an Official Copy of the Said Rules and Regulations, As also with the Names of those Persons, whom he had Appointed to Act as Officers in that Court.

Ellis Bent's
repudiation of
Macquarie's
power in
governor's
court.

From Mr. E. Bent's Answer (No. 19 also Annexed), Your Lordship will Observe that he, very Unnecessarily for any Good purpose, takes Occasion to disavow any Right on My part to Interfere with the Arrangements of *that Court*, other than in the Nomination of two persons to Constitute it with him; And furnishes me with an Extract, Containing a Copy of the Orders and Regulations referred to (No. 20).

Mutual action
determined by
J. H. and
Ellis Bent.

Comparing this Communication with what has passed on the Same Subject between the Judge of the Supreme Court and Myself, it Appears that these Gentlemen have Mutually determined to deny my possessing any Powers whatever in regard to the Internal Regulation of their respective Courts, and that they have Mutually resolved to resist me in any Control that I might be disposed to Exert under Authority of the Patent, which Specifically requires that All Appointments in those Courts Should be Subservient to my Approval.

Thus Circumstanced with the two Principal and only Law Officers of this Colony, whose Support and Co-operation in the Administration of the Government I Considered Myself entitled to, it only remains for me to Say that, having possessed Your Lordship in the Most full and Clear Manner in my power of All the Circumstances leading to the present Unhappy Posture of our Law Affairs, that as Some Interference of the *highest Authority* is Indispensably Necessary to avoid a Continuance of it

1815.
22 June.Action
necessary to
fulfil charter
of justice.

and to re-establish that System of Order, which is essentially requisite for the Public Service, And the General Good of the Colony, I have now to Solicit in the Most respectful Manner that Your Lordship will be pleased to Move His Royal Highness, the Prince Regent, to adopt such Strong Measure as in His Wisdom may seem best Calculated to render the gracious object of the late Patent fully available in this Territory.

J. H. and Ellis
Bent's refusal of
re-admission
of ex-convicts
to civil rights.

It appearing to be the Grand Object of the Judge Advocate and of the Judge of the Supreme Court to establish the Novel Principle that Persons, *who have been once Convicts*. Can never be restored to a full participation in the Rights and Privileges of Free British Subjects, and this being in direct Variance with that Line of Policy, which His Majesty's Government has heretofore Approved in this Colony, I beg to Submit to Your Lordship's humane Consideration whether it may not be Expedient that the Law, as it now Stands in regard to the Restoration of Persons to Civil Rights on the Recovery of their Liberty either by Servitude or Royal Pardon, if it Should Appear Ambiguous to the Law Officers of the Crown, Should be Clearly defined by Some Public Declaratory Act, so as to prevent the Recurrence of Such Differences in Opinion hereafter on a Point involving the dearest Rights and Privileges of British Subjects.

Suggested
declaration
of status of
ex-convicts.

Considering this Point as one of Primary Importance, and as one on the Decision of which the future Prosperity of this rising Colony and the Happiness of at least Seven Eighths of its present Population (now upwards of fifteen thousand Souls) Chiefly depends, I Cannot too earnestly press the Speedy and Serious Consideration of it on Your Lordship's Attention, trusting You will Attach that Degree of Importance to it which the Nature of the Subject so imperiously demands.

I have now to Apologize for the great Length of this Address, and for Occupying so large a Portion of Your Lordship's Valuable Time; but which I hope the Importance of the Subject and My Own Solicitude to Make Your Lordship fully Acquainted with the Nature and Object of it will in a great Measure plead in Excuse.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

LETTER from the Governor to J. H. Bent, Esquire, Judge of the Supreme Court respecting the Practising Attornies, etc., etc., etc.

Sir, Government House, Sydney, 18th April, 1815.

I have lately received Memorials from some of those Attornies, who have been hitherto Allowed to Practise in the line of their Profession in the Courts of Civil Jurisdiction in this

Memorials
received by
Macquarie
from attornies.

1815.
22 June.

Effects of
exclusion of
attorneys from
practice in the
new courts.

Colony, but who, being now apprehensive that it is in Contem-
plation to exclude them from that Indulgence in the Courts
about to be Opened under the New Patent, Solicit My inter-
ference in their behalf.

Among other things, the Memorialists state that they have
been engaged in a great Number of Causes and Suits involving
very considerable property for Persons residing out of the Colony
in England, India, The Cape of Good Hope, etc., etc., and for
others within it, who were equally obliged to Seek legal assist-
ance, Many of which Causes still remain undetermined; and
that the adoption of the Measure, of which they are Apprehensive,
must Necessarily come to the Serious Prejudice of their Con-
stituents, so circumstanced, by the prevention of their Obtaining
Decisions for the long and Indefinite time, which must elapse
before they can employ other Law Agents to Act for them.

They further state that, should they be now excluded from
practising without any Specific Charge being brought against
them, it would bear very hard upon them in their Individual
Capacities by Cutting off from them the means of Obtaining a
livelihood by the Practice of the Profession, in which they have
been brought up.

Macquarie's
recommendation
of admission
of attorneys from
the old courts.

Having Maturely considered these Circumstances, I cannot but
concur with the Memorialists in the Consequences, which must
attend their being excluded from practising in the New Courts,
both as they apply to their Constituents and to themselves; And,
conceiving it would be a very Severe Measure to debar Persons
of a respectable Profession, whose only Means of subsistence
arise from the Exercise of it, from Practising, I am decidedly
of Opinion that it would be fair and reasonable to permit those
Attornies, who have Practised heretofore in the Civil Court in
this Colony, to continue their Professional Practice in the New
Courts.

Causes and suits
unfinished to
be completed
by practising
attorneys.

I have now only to call your Attention to the Consideration of
the Injury, which Constituents, resident in distant places and
Countries, must suffer by their Law Agents here being prevented
from following up their different Causes and Suits already en-
trusted to the Management of the Memorialists, and I trust, on a
fair review of the Subject, you will see the Propriety of their
being at least permitted to Plead in the Causes already on
Hands, Until they shall be finally decided.

Deeming the Case of the present practising Attornies of the
Colony, as I have already stated it, worthy of Serious Considera-
tion, I cannot but Approve of their being Admitted to Act in the
Supreme Court of Civil Jurisdiction in the Colony; And I there-

fore recommend to the favorable Consideration of that Court that the Indulgence they have Solicited should be extended to them.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 2.]

PETITION of George Crossley* to His Excellency the Governor.

Received 11th April, 1815.

1815.
22 June
Petition of
George Crossley
re his admission
as attorney of
supreme court.

To His Excellency Lachlan Macquarie, Esquire, Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c., &c., &c.

The Humble Petition of George Crossley, of Sydney, Gentleman.
Most Humbly Sheweth,

That Your Petitioner has been resident in this Territory for upwards of Fourteen Years; And in the Year One thousand Eight Hundred and three Your Petitioner (a Free Man) was approved of by His Excellency Governor King, then presiding as Judge in the Court of Appeal, as a proper Person to appear and transact the business of those who might Authorize Your Petitioner to Act as their Agent or Attorney in the Courts of this Colony; And the said Governor ordered Your Petitioner's Power of Attorney, so approved by His Excellency, to be filed amongst the proceeding of record in an Appeal there depending.

And Your Petitioner has ever since been employed in Acting as Agent or Attorney in legal proceedings before the Courts of this Colony for a Period of Twelve Years or thereabouts.

That Your Petitioner holds powers to Act as Agent or Attorney in the Courts of this Territory for more than One Hundred of the Principal Inhabitants in the Territory, whose Affairs have for Years been under Your Petitioner's direction in legal Matters; And Your Petitioner's Conduct has on no occasion whatever been called in Question, but in all Matters, that have been entrusted to his care, your Petitioner has Acted to the satisfaction of his employer with upright integrity.

That Your Petitioner was Admitted an Attorney of the Court of King's Bench and Court of Common Pleas at Westminster in Michaelmas Term in the Year One thousand Seven hundred and Seventy One, and after admitted a Solicitor in the High Court of Chancery And on the Equity side of His Majesty's Court of Exchequer, and Practised in all these Courts to a Considerable extent of Practice for upwards of Twenty four Years.

That exclusive of the Authority Your Petitioner has to appear for resident Persons, as also for Persons living abroad and Trading to this Territory, or having demands on Persons resident here, and for divers persons living in that part of the Colony called Van Diemen's Land and other remote parts.

1815.
22 June.
—
Petition of
George Crossley
re his admission
as attorney of
supreme court.

That by His Majesty's Letters patent the Appointment of the said Court of Civil Jurisdiction was revoked; but no Action, Cause, Suit or Proceeding to be avoided, abated, discontinued or annulled, but the same remain in full force and are respectively transferred in their present Condition into the said Courts, thereby Constituted, and to Subsist and depend, be prosecuted, Sued and determined respectively in the same last Mentioned Courts.

That Your Petitioner is Agent or Attorney in diverse Matters that remain undetermined in the Court of Civil Jurisdiction, and in more than two hundred Cases in which Judgments have been given, but unsatisfied, and which Matters are by the said Letters Patent transferred to the said New Courts.

That large Sums of Money have been laid out, expended and paid by Your Petitioner in the Payment of fees to the different Offices in those Causes; and other Monies are due to Your Petitioner, so that, unless Your Petitioner is admitted to Continue to practice before the Courts established by the said New Patent, Your Petitioner will be a great Sufferer, if not utterly ruined.

That Your Petitioner is Capable to fill any Office in any Court of Justice where legal knowledge is required; And Most Humbly hopes that his Integrity, hitherto in his practice before the former Courts, is a Sufficient recommendation for his admission to Practice in the Courts now to be established.

That by the said Letters patent the Supreme Court is authorized "to frame such rules of Practice, and Nominate and appoint such Clerks and Officers, and to do all such other things, as shall be found necessary for the Administration of Justice and the due execution of the Powers granted to them by the said Letters Patent, Subject to the Approbation of Your Excellency."

That Your Petitioner some time since apply'd by Letter to the Judge of the Supreme Court, amongst other things stating where Your Petitioner served his Clerkship, the time of Admission in the Courts at Westminster, and upwards of Twenty four years continued Practice in those Courts, the time Your Petitioner had been suffered to Practice by Permission of the Governors in the Courts of this Colony, to the Effect as herein before set forth. and the Number of Principal Persons Your Petitioner now Acted for as Attorney before the Courts of this Territory.

Your Petitioner thereby Prayed of His Honor the Supreme Judge to be Admitted, or have a Licence to Practice, in the Courts Constituted by the New Patent in this Colony.

To which Application Your Petitioner received no answer.

Your Petitioner Most Humbly prays Your Excellency to recommend and approve of Your Petitioner to be appointed to Practice as an Attorney or Solicitor in the Governor's Court and in the Supreme Court in this Territory.

And Your Petitioner will ever Pray, &c.,

GEO. CROSSLEY.

1815.
22 June.

Petition of
George Crossley
re his admission
as attorney of
supreme court.

[Enclosure No. 3.]

MEMORIAL of Edward Eagar* to His Excellency the Governor.
Received 11th April, 1815.

Petition of
Edward Eagar
re his admission
as attorney of
supreme court.

To His Excellency Major General Macquarie, Captain General, Governor and Commander in Chief in and over the Territory of New South Wales and its Dependencies, &c., &c., &c.

The Memorial of Edward Eagar

Humbly Sheweth,

That Your Memorialist has been regularly bred an Attorney and Solicitor of His Majesty's Courts of Exchequer and Chancery in Ireland, and duly admitted a Member of the King's Inns there.

That Your Memorialist has been admitted to Practice, as a Law Agent, in the late Court of Civil Jurisdiction in this Territory, and has Practised therein as an Attorney and Solicitor for some Considerable time.

That Your Memorialist has been employed as Law Agent by the Majority of the Gentlemen and Settlers of this Colony, as well as by some of the first Mercantile Houses at Calcutta, the Cape of Good Hope and London, and now holds above One hundred and fifty Powers of Attorney from these Persons and Houses.

That Your Memorialist is the Law Agent of several Persons now absent from this Colony, and Your Memorialist *only* can transact the Business of these Persons, none other holding Powers from them.

That Your Memorialist is the Law Agent in about One hundred Causes, whereon Judgment has been entered in the Court of Civil Jurisdiction, but which Judgments have not been yet Paid or Satisfied, as well as in twenty five Causes instituted in the said Court and remaining untried, and to be determined in the Supreme Court; That, in all these Judgments and untried Causes, Your Memorialist has paid of his own proper Monies all the Fees of the Judge Advocate and Provost Marshal, as well as the other Fees and Expences attending the same, and there is now actually due to Your Memorialist for the Fees and expences so paid, as well as his own fees, nearly One thousand Pounds.

* Note 114.

1815.
22 June.

Petition of
Edward Eagar
re his admission
as attorney of
supreme court.

That Your Memorialist has now in his Hands a Multiplicity of unfinished business belonging to various Persons, upon which he has expended considerable Sums of Money, bestowed a great deal of time, trouble and Attention, and made considerable progress in the Management thereof.

That Your Memorialist has been informed that, under the New arrangements of the Supreme Court and Governor's Court, it is intended to restrict the Practice of Solicitor and Attorney in these Courts to Two Gentlemen, One of whom has arrived, and the other expected shortly to arrive from England, whereby Your Memorialist would be precluded from Practising in the same.

That Your Memorialist Most Humbly begs leave to Submit to Your Excellency that this restriction will operate as a great *Hardship* upon Your Memorialist; For Your Memorialist has been regularly bred a Solicitor and Attorney, as above stated, has been allowed hitherto to Practice as such in this Colony, and that with great Acceptance by the Public; That Your Memorialist has transacted a great Mass of business, and laid out and expended thereon very considerable Sums of Money, which are still due to Your Memorialist; that a Considerable Portion of this Business is not yet completed and remains in various Stages of forwardness; that, from the Manner in which Business has been transacted in this Colony, Your Memorialist will never be repaid the Monies, so expended and due to him, unless he finally closes and Completes the Suits on which the same has been laid out.

That in His Majesty's Letters Patent, by which the Supreme Court and Governor's Court are Created, It is expressly provided that no Action, Suit or Proceeding, depending in the Court of Civil Jurisdiction, shall be discontinued or Annulled by the Cessation of the Functions of the said Court; But that the same shall remain in full force and Virtue, as if the Court, of Civil Jurisdiction still existed, and be respectively transferred in their *present Condition* to, and Subsist, and depend, and be tried, and determined in the Supreme and Governor's Courts respectively, as the Nature of the Case may be. And Your Memorialist Most Humbly Submits that the Unsatisfied Judgments and untried Causes aforesaid must be transferred into the Supreme and Governor's Courts in the State they now are in, and there be finally satisfied and determined; And that unless Your Memorialist is allowed to Close and Complete the Judgments and Causes aforesaid, He never will be able to recover the Sums of Money expended by him on the same, and it will be a great hardship, not only to Your Memorialist, but also to the several Parties in these Causes, as they will thereby be put to the unnecessary expence of employing other Agents and getting done

over again what has been already done in the prosecution and management of these Suits.

That, in the aforesaid Patent, it is farther provided that the Supreme Court shall frame such rules and regulations, and Nominate such Clerks and Officers, as shall be found necessary for the Administration of Justice, but always Subject to the Consent and Approbation of Your Excellency; by which Clause Your Memorialist Most Humbly Submits that no rule of restriction or exclusion, relative to the Attornies or Solicitors of the said Courts, can be established without Your Excellency's Consent and Approbation.

That Your Memorialist Most Humbly begs leave to Appeal to Your Excellency's High Authority and Clemency in this Case, And Most Humbly hopes, as there is no Complaint whatever alledged against Your Memorialist's Conduct, that Your Excellency will not suffer him to be prevented in the Exercise of his Profession.

May it therefore Please Your Excellency to allow Your Memorialist to continue in the exercise of his Profession as an Attorney and Solicitor in the Supreme Court and Governor's Court in this Colony, and more especially until the unsatisfied Judgments and untried Causes, now in his Hands, are finally Satisfied and determined.

And Your Memorialist as in Duty bound will ever Pray,

EDWARD EAGAR.

[Enclosure No. 4.]

LETTER from J. H. Bent, Esquire, Judge of the Supreme Court, to the Governor.

Sir, Sydney, 20th April, 1815.

I have the honor to acknowledge the receipt of Your Excellency's letter of the 18th inst., enclosing certain Petitions to you from Mr. Edwd. Eagar and Mr. George Crossley on the subject of their being admitted to practise as Attornies in the Governor's Court and in the Supreme Court.

As I am under the necessity of seeing this Subject in a very different light from that in which it is viewed by Your Excellency, and therefore of withholding my assent to the application of those Petitioners, The respect, which I entertain for Your Excellency, makes me feel it desirable to lay before you the reasons by which I am influenced; before however I proceed to do this, I cannot avoid expressing My poignant regret that Your Excellency should have thought proper to interfere on behalf of the Petitioners by a direct Official recommendation in their favour, by which I feel myself placed in a most unpleasant and delicate Situation; and the other Members of the Court, in

1815.
22 June.

Petition of
Edward Eagar
re his admission
as attorney of
supreme court.

J. H. Bent's
refusal to admit
Crossley and
Eagar as
attorneys of
supreme court.

Regrets at
Macquarie's
interference.

1815.
22 June.

Relations
between
executive and
judicial
departments.

coming to a judicial decision, will be subjected to the operation of an influence, which ought never to be applied to, and is inconsistent with, the independent deliberations of an English Court of Justice. I mean the open, avowed, and direct communication of the opinion of the Executive Government on a point under judicial discussion. I am perfectly alive to the importance of a Cordial Union between the Executive and Judicial Departments of this Colony; but I must observe that the Functions of each are distinct, and should be exercised without Collision; and, therefore, I cannot but think the Conduct of the Petitioners most blameable, highly disrespectful to those Courts of which they wish to be admitted as Attornies, and calculated to occasion divisions between the Executive and Judicial Departments, by requesting Your Excellency, in a most unprecedented and unprofessional manner, to exercise an undue influence with the Supreme Court in their favour, thereby insinuating most unworthily and Manifestly that the Court would grant to the recommendation of Your Excellency what they would not grant to the merits of their respective cases. If these Petitioners were really qualified to Act as Attornies, they would have had a more just Sense of, and paid a more proper deference to, the Dignity of the Supreme Court, than to request the Influence of the Executive Authority to be exerted in their favour in an irregular Manner; and they should have remembered that the proper Quarters for their Applications were the respective Courts, which, in common with all other Courts of Justice, have a discretion entrusted to them to admit or strike off from the Roll of their Attornies such Persons, as they may think worthy or unworthy.

Adverse
criticism of
the petitions.

I come now to the Consideration of the Petitions themselves, which I am Compelled to Consider as most insidious and disingenuous, inasmuch as they suppress truths on which the whole Point of the Cases rests; And though Your Excellency may be acquainted with some of the Facts, which I am under the Necessity of mentioning, yet, as these Petitions are Publick Documents and may be submitted to the Consideration of others, who have not the same information, they should have appeared on the face of the Petitions themselves.

Convictions
of petitioners.

The Petitioners have both been Convicted of Crimes of an infamous Nature; in consequence of which they have been transported to this Territory, The Petitioner, Edward Eagar, so lately as the Year 1810; and I am warranted by Law in assuring Your Excellency that they are no longer Members of that Profession to which they pretend to belong. It is true that urgent necessity extorted from the Judge Advocate a reluctant assent to their

1815.
22 June.Previous
status of
petitioners.

appearing in that Court, as the Agents of such Persons who ventured to employ them by express powers of Attorney; but it was repeatedly and most distinctly stated to them that they were not to consider themselves as Attornies of the Court, and that application had been made to the proper quarter for respectable Solicitors to be sent to this Colony, upon whose Arrival such indulgence would be discontinued; so that the Petitioners, so far from having any reason to complain, ought rather to have been grateful for the Permission they have enjoyed and the benefits they have reaped from it.

They themselves are so perfectly aware of the truth of these Facts and the Consequent Futility of applying for admission as Attornies in a regular manner to the Court, that they have thought proper to Petition Your Excellency to interfere in their behalf with the Court by a decided recommendation in their favour, hoping thereby to bias the Minds of the Court in an undue manner.

Reasons for
non-admission
of petitioners
to practice.

The reasons, why I cannot Comply with the Application of the Petitioners, are That I Consider it Contrary to the express Sense of the Legislature, to the recorded Opinion of all the Judges of England, injurious to the Dignity of a Court of Justice, to My Own feelings, and, as I should imagine, to the feelings and Interests of the Solicitors, who have been sent by the Crown to this Colony for the especial purpose of Practising in these Courts; and further that it is not warranted by any necessity whatsoever, but would introduce a precedent, which would give rise to Numerous other Applications from Persons similarly circumstanced, and expose the Court to endless embarrassment.

The Petitioners have failed in making out any case of hardship, because they were forewarned of the Situation in which they would stand in the event of Attornies coming out here under the Sanction of Government; but, even if they had made out such a Case, their feelings and their Interests ought not for an instant to be opposed to the Considerations I have mentioned.

Statute
disbarring for
ever in England
attorneys
convicted
of forgery
or perjury.

In Confirmation of what I have already said, I beg leave to call Your Excellency's attention to 12 Geo. 1, Ch. 29, Sec. 4, by which it is enacted as follows:—"And for avoiding the great mischiefs and abuses, which arise from infamous and wicked Persons already convicted of Wilful Perjury or Forgery practising as Attornies and Solicitors in Courts of Law and Equity, Be It Enacted, that if any Person, who hath been, or who shall be Convicted of Forgery or of wilful and Corrupt Perjury or Subornation of Perjury or common Barratry, shall, after the said 24th June, Act or Practice as an Attorney or Solicitor or

1815.
22 June.

Statute
disbarring for
ever in England
attorneys
convicted
of forgery
or perjury.

Interpretation
of intent of
parliament.

Citation of
a previous
judgment by
the lord chief
justice *re*
an attorney
convicted of
stealing.

Agent in any Suit or Action, brought or to be brought in any Court of Law or Equity, within that part of Great Britain, called England, the Judge or Judges of the Court, where such Suit or Action is or shall be brought, shall upon Complaint or Information thereof examine the matter in a Summary way in Open Court; and, if it shall appear to the Satisfaction of such Judge or Judges that the Person complained of, or against whom such information shall be given, hath offended contrary to this Act, such Judge or Judges shall cause such Offender to be transported for Seven years to some one of His Majesty's Colonies or Plantations in America, by such ways, means, and Methods, and in such Manner, and under such Pains, and Penalties, as Felons in other cases are by Law to be transported."

Now without determining whether or not the Petitioners, by Practising in the Courts here, would render themselves liable to the Penalties of this Act, it is sufficient for my purpose to add that it is clearly indicative of the Sense of the Legislature as to the unfitness of Persons, convicted of such Crimes, for a Situation of such trust and Confidence as that of an Attorney.

I shall now trouble Your Excellency with the Solemn Judgment, pronounced by the Earl of Mansfield, when Lord Chief Justice of the King's Bench, on a similar point, a Judge than whom none can be found more liberal, more enlightened, or more conversant in the Laws of His Country, and which Opinion His Lordship expressly states to have been pronounced after consultation with All the Judges. The Case is entitled *Ex parte Boonssell*, and was determined in the King's Bench on the 27th June, 1778. It was an Application to the Court to strike the Defendant off the Roll of Attornies, He having been convicted of Stealing a Guinea, for which Offence he received sentence to be branded in the Hand and to be confined to the House of Correction Nine Months. The Solicitor General opposed the application, and stated that the Conviction, which was the Groundwork of the motion, was at least four or five years ago; since which time no misconduct could be imputed to the Defendant; and he argued that, the Defendant having received the benefit of Clergy and having been branded in the hand, it operated as a statute Pardon; therefore It would be to Punish the Defendant a Second time for the same offence. Lord Mansfield said—

"This Application is not in the nature of a Second trial or a New Punishment. But the Question is whether, after the Conduct of this Man, It is proper that He should continue a Member of a Profession which should stand free from all suspicion. Suppose He had been a Justice of the Peace, the Conviction itself would not remove him from the Commission. But could

there be a doubt that he ought to be struck out of the Commission; as at present advised, I am of opinion without any doubt that the rule should be made absolute. But, as it is for the dignity of the Profession that a Solemn opinion should be given, we will take an opportunity of mentioning it to all the Judges." Lord Mansfield on this day said, "We have consulted All the Judges upon this Case, and they are unanimously of opinion that the Defendants having been burnt in the Hand is no objection to his being struck off the Roll. And it is on this principle that he is an unfit person to practise as an Attorney. It is not by way of Punishment; but the Court on such Cases exercise their discretion whether a Man whom they have formerly admitted is a proper Person to be continued on the Roll or not. Having been convicted of Felony, We think the Defendant is not a fit Person to be an Attorney." And He was struck off the Roll of Attornies accordingly.

1815.
22 June.

Citation of a previous judgment by the lord chief justice *re* an attorney convicted of stealing.

Such an opinion so expressed must be binding on every Judge of a British Court of Justice in all cases not encountered by a necessity so cogent as to be paramount to all Law; But no such necessity can be pretended to exist in the case before us, when His Majesty's Government have most liberally sent out respectable Solicitors for the purpose of Practising in the Courts here, in consequence of an application made by the Judge Advocate, for the express purpose of superseding the necessity of allowing Persons, transported as Felons, to practise as Attornies.

Importance of ruling *re* attorneys.

On that part of the Statement of these Petitioners, wherein they mention that they hold Powers of Attorney from different houses abroad, I conceive that they stand in a like situation with many others in the Colony, not pretending to belong to the Profession, who also hold such powers; and that therefore the methods of enforcing the Claims of their Constituents in the Courts, that are open to the one, are also open to the other; and, after a deliberate Consideration of the Memorial and the Conduct of these Petitioners and the very indirect disingenuous and disrespectful manner they have thought proper to adopt in order to attain their object, I cannot avoid adding my doubts whether the Houses abroad, who have entrusted these Petitioners with such Powers, are acquainted with the real situations of the Persons whom they have employed.

Procedure under powers of attorney.

In a word, It is my object and my duty to render the Supreme Court of Judicature in this Territory as respectable as possible in the eyes not only of the Colony, but of the World, an Object, which must be defeated by my compliance with the Petitioners request. In no other part of His Majesty's Dominions would they be admitted to practise as Attornies; and whatever reason

Dignity of supreme court to be upheld.

1815.
22 June.

No necessity
for admission
of attorneys.

may have existed before this time for extending such an indulgence to them, none can be now pretended to exist after the liberal Provision, which His Majesty's Government have made for this purpose by the appointment of respectable Solicitors at a considerable expence to the Crown, an appointment which would be rendered wholly unnecessary by granting the Petitioners' application.

Concurrence of
Ellis Bent in
opinions of
J. H. Bent.

As the subject matter of Your Excellency's letter relates as well to the Court at which the Judge Advocate presides, as well as to the Supreme Courts, and, as we are both Members of the same Profession, I have deemed it adviseable to Consult with him on this Subject, and am Authorized to Communicate his entire Concurrence with the Sentiments contained in this Letter.

I cannot conclude without adding My persuasion that, had Your Excellency been enabled by the Petitioners to see this matter in all its bearings, and how completely the Interests and feelings of these Petitioners sink before the great Considerations I have endeavoured to lay before you, that Your Excellency would have forborne to recommend these Petitions to our favorable Consideration, but referred them entirely to our own unbiassed discretion.

I have the honour to return the Petitions to Your Excellency. And beg leave to Subscribe Myself, &c.,

JEFFERY HART BENT, J.

[Enclosure No. 5.]

Affidavit of
George Crossley
in support of
application for
admission as
attorney of
supreme court.

EX PARTE George Crossley:—Copy of Affidavit, 4th May, 1815.

In the Supreme Court in and for) George Crossley, of Sydney,
the Territory of New South Wales.) in the Territory of New
South Wales, Gentleman,

Maketh Oath that this Deponent first arrived in this Territory in the Month of July, One thousand Seven hundred and Ninety Nine. And this Deponent saith, since his first Arrival, this Deponent's Conduct has met the Approval of every Governor and Person of respect in this Territory, as this Deponent verily believes. And Saith, upon His Excellency Governor Hunter leaving this Territory, that Governor was Pleased in Writing to recommend this Deponent to the favor and protection of his Successor, Governor King, as nearly as this Deponent can recollect in these Words, "George Crossley came in the Ship Hillsborough, he paid his own Passage, and that of his Wife, who is a free Woman of most respectable Character. Since their Arrival in this Colony their Conduct has met my entire Approval. Governor Hunter recommends George Crossley and his Wife to the favorable Protection of Governor King." And this Deponent Saith that, on the fourth day of June, One thousand,

Eight hundred and One, Governor King granted him a Conditional Pardon under Seal of the Territory, expressing the same to be for the exemplary good behaviour of the Deponent. And this Deponent, having performed the Condition of that Pardon, became free. And in or about the beginning of the Year One thousand, Eight hundred and three, application was made by several Settlers to His Excellency Governor King to allow this Deponent to Act for them, as an Attorney, in their legal Concerns; and in or shortly after the Month of March, One thousand, eight hundred and three, His Excellency Governor King, being then sitting in Judgment as Judge of the High Court of Appeal, was applied to by John Palmer, Esquire, then Principal Commissary in this Territory, to appoint this Deponent to appear and Act as his Attorney (to represent the said John Palmer) in the Court of Civil Jurisdiction in all Suits and Matters that there were, or might thereafter, be depending before the said Court, in which the said John Palmer was Plaintiff or Defendant; And at the same time this Deponent saith a Warrant or Power of Attorney, duly executed by the said John Palmer, was delivered to the said Governor in the said Court of Appeal, who Ordered the Clerk to read the same in Open Court; And, after the said Power of Attorney was so read, the same was ordered to be filed amongst the Proceedings in the said Court of Appeal, the said Governor having first to the best of this Deponent's remembrance and belief wrote on it the Word "Approved," and Saying to this Deponent, That is your Authority, or Words to that effect. And saith the said Original Power of Attorney now remains in the said Court of Appeal, affiled of Record, as this Deponent verily believes. And this Deponent saith that, at that time, the Governor's Approval in such Cases were considered a Sufficient legal Authority, And from that time this Deponent was suffered to appear as an Attorney in and before the Court of Civil Jurisdiction for any Person, who had a Suit depending, on producing his Authority from the Suitor so to do. And this Deponent saith that, on or about the fifth day of October, One thousand, Eight hundred and twelve, the Court of Civil Jurisdiction made an Order of Court, whereupon this Deponent filed with the Clerk of the said Court of Civil Jurisdiction a Certificate in Writing, signed by the Secretary of His Excellency the Governor, of this Deponent being a free Inhabitant of this Territory. And this Deponent continued to Practice in and before the Court of Civil Jurisdiction, until the Powers of that Court were superseded by the present Patent, which establishes this Honorable Court. And Saith that a great number of Matters, depending in and before the said Court of Civil Jurisdiction, that were under this

1815.
22 June.

Affidavit of
George Crossley
in support of
application for
admission as
attorney of
supreme court.

1815.
22 June.

Affidavit of
George Crossley
in support of
application for
admission as
attorney of
supreme court.

Deponent's direction as an Attorney, are undetermined; As also a great Number of Judgments recorded in the said Court are by the said Patent transferred into the Courts established by the present Patent, which are unsatisfied, in which this Deponent acted as Attorney. And this Deponent Saith that he holds Powers of Attorney from many Individuals, Principal Inhabitants in this Territory, whose Concerns in legal Matters have for some time past been under this Deponent's Management, and whose legal Concerns will suffer a considerable derangement and Injury, if this Deponent is not permitted to practice in his Profession in and before this Honorable Court. And this Deponent saith that Causes, depending and unsatisfied, that have been under this Deponent's Management in and before the Court of Civil Jurisdiction, are in point of Property to a very considerable Amount exceeding the Sum of Sixty thousand Pounds Sterling, as this Deponent verily believes. And this Deponent saith that some of those Suits have been commenced long since before the Court of Civil Jurisdiction, and some of them stood over for want of sufficient Evidence from England, or other parts, and other Suits, in which Judgment has been pronounced (And this Deponent the Attorney therein), are dependent upon Appeals against such decision to be determined before His Majesty in Council in England. And some of such Appeals have been returned, and only wait for the application to the proper Courts for obtaining Satisfaction; And other Matters of Appeals, that are now depending before His Majesty in Council, in which Decrees have not yet been obtained or returned, are shortly expected to be returned with the Orders of Council made therein; And a Cause,* that had been heard before the Court of Civil Jurisdiction in the beginning of the Year One thousand, eight hundred and twelve, And then under this Deponent's Care and Management, is returned with fresh Evidence from England, in which the demand, on the Seventeenth day of March last, Amounted to Eighteen thousand, Eight hundred and Ninety Pounds, Sterling, and is to be recommenced in this Honorable Court; And a great number of other Causes, in which this Deponent has received Instructions from his Clients to Act as their Attorney. And this Deponent saith that, at the Age of Sixteen or thereabouts, this Deponent was regularly Articled to an Attorney, Served the latter part of his Clerkship in One of the Public Offices, that of Filacer of the Court of Common Pleas at Westminster, and acted as Clerk or Deputy to a Filacer of that Court, before and after this Deponent was admitted an Attorney; And this Deponent daily attended upon the Court of Common Pleas in that Character of Deputy Filacer during the

* Note 115.

Sittings of the Court for some Years. And this Deponent saith he was duly admitted an Attorney of the Court of King's Bench at Westminster, in or about Michaelmas Term, One thousand, Seven hundred and Seventy One, to the best of this Deponent's remembrance as to the time of such Admission; and shortly after this Deponent was admitted an Attorney of the Court of Common Pleas, and a Solicitor in the Equity Side of the Court of Exchequer at Westminster and High Court of Chancery. And this Deponent saith he practised, as an Attorney and Solicitor, with a considerable degree of respectable Practice, from the time of his first Admission until in or about the Year One thousand, Seven hundred and Ninety five, And from the time of his being allowed to Practice in his Profession by Governor King in this Territory, in manner as aforesaid, this Deponent has practised as an Attorney before the Court of Civil Jurisdiction in this Territory for most of the Principal Merchants and Inhabitants, And was Practising in the said Court, as an Attorney, at the time of the Arrival of the present Patent for Superseding the Powers of the Court of Civil Jurisdiction, and establishing this Honorable Court and others in its place and Stead. And this Deponent saith that this Deponent's Conduct and Character in his Profession in this Colony, for the Space of twelve Years he has been allowed to Practice in the same, has been unimpeachable, as this Deponent verily believes.

GEO. CROSSLEY.

Sworn at Sydney, this 4th Day of May, 1815, Before Me,

J. H. BENT.

[Enclosure No. 6.]

PETITION of George Crossley to the Governor, 20th May, 1815. To His Excellency Lachlan Macquarie, Esqre., Captain General and Governor in Chief in and over His Majesty's Territory called New South Wales, &c., &c., &c.

Petition of
George Crossley
to Governor
Macquarie.

The Humble Petition of George Crossley, of Sydney, Gentleman, Most Respectfully Sheweth,

That Your Petitioner presented a Petition to the Supreme Court of Civil Jurisdiction praying, for the reasons therein stated, that Your Petitioner might be Sworn and admitted an Attorney and Solicitor of that Court.

That by the direction of the Judge such Petition was supported by an Affidavit, a Copy of which is herewith left, and such Petition was appointed to come on for Judgment on the eleventh day of May instant.

That the Petitioner, amongst other things, set forth that Your Petitioner had been resident in this Territory upwards of fifteen

1815.
22 June.

years, and during all that time his Conduct had met the approval of every Governor and Person of respect in the Territory; And Your Petitioner stated the particular instances of Approval of his Good Conduct and behaviour from time to time.

Admission to
practice by
Governor King.

That, in the year One thousand, Eight hundred and three, Your Petitioner was Solicited to Practice in his Profession, And His Excellency Governor King, sitting as Governor and Judge in the High Court of Appeal, the highest Court in this Territory, was Pleased to approve of Your Petitioner to Act as an Attorney in the Court of Civil Jurisdiction in all Matters for John Palmer, Esquire, by filing in that Court a Power of Attorney and Writing thereon "approved"; and from that time, a Period of twelve Years, Your Petitioner was allowed to Practice in the Courts for all Persons on producing his Authority, and was acting as such in the said Court, when the Powers of the Court of Civil Jurisdiction were superseded by the present Patent, and the records of that Court transferred into the Courts created by the New Patent.

Serving of
articles.

That Your Petitioner is Sixty Six years of Age; at the Age of Sixteen, was Articled to an Attorney, served the latter part of his Clerkship in a Public Law Office, that of Filacer of the Court of Common Pleas at Westminster, and daily attended as Clerk or Deputy to the Gentleman in whose Office he served in the Courts in that Capacity for several Years.

Admission as
an attorney
in England.

That in the Year One thousand, seven hundred and Seventy One, Your Petitioner was first admitted an Attorney of the Court of King's Bench at Westminster, and shortly after an Attorney of the Court of Common Pleas, and on the Equity side of the Court of Exchequer and High Court of Chancery; and practised as an Attorney and Solicitor in all those Courts from that time until the year One thousand, Seven hundred and Ninety five, a period of twenty four years or thereabouts; and, with respect to Your Petitioner's knowledge of the Law, he conceives he is competent to execute any Office in any Law Department in this Territory.

Ruling of
J. H. Bent on
consideration
of petitions.

That two other Petitions of the same nature with that of Your Petitioner were depending before the said Supreme Court, one of which stood for the determination of the Court the same day; and these Petitions were first called on; and, from what passed in Court on that occasion, Your Petitioner was given to understand that the Judge had predetermined not to admit any Person, altho' free, who had once come a Prisoner to this Territory, to practice in that Court, let his Conduct and Character, since his Arrival, have been ever so correct and Unblemished:

in which opinion, however, the two associated Members of the Court had differed with the Judge, and publickly declared their dissent from.

That Your Petitioner's case being called on, Your Petitioner rose and prayed the Judgment of the Court, but was ordered by the Judge to sit down, when the Judge in Court made an Address in Substance and to the effect following:—

1815.
22 June.
J. H. Bent's
Judgment
in *ex parte*
Crossley.

That he came there to declare that Judgment of the Court, and should first state that he was sorry that there were found two Persons to differ with him in opinion in a mere Matter of Professional feeling, and then the Judge peremptorily added, "I will not Swear in any persons of this description; and, if these People are imposed on me by any Person or Persons, I will adjourn the Court, until I have His Majesty's determination on the Subject; Men, who would not permit these Petitioners to Sit at their Tables, yet will permit them to Act as Attornies in this Court before Me, His Majesty's Judge, and I will take care to transmit the Names of these Members to His Majesty's Government, who have been found so insidiously to Sanction Persons of this description;" the latter part of the Judge's observation Your Petitioner is restrained by delicacy from adverting to.

That Your Petitioner again rose to pray that the Judgment or Opinion of the associated Members might be recorded; when the Judge made use of many threats that he would commit Your Petitioner, altho' Your Petitioner's conduct was Circumspect, Mild, and Collected; when in Answer Your Petitioner, in a most Submissive manner, observed He was a free British Subject and Came before that Court to Claim his right accordingly, and to Solicit the Cool deliberate decision of the Court on a Matter depending before them in Judgment; And Your Petitioner claimed it of right that the decision in this case before the Court might be recorded; from which opinion, if the Judge entered his Protest of record as directed by the Patent, Your Petitioner had a right of Appeal; the Judge then said, "I now declare I will not permit the Petitioners to practice; I will not admit them; I will not Swear them in, and I will punish them, if they attempt to practice directly or indirectly; the Court is now adjourned."

Crossley's claim
for opinions
of associated
members of
court to be
recorded.

Whereupon one of the said associated Members said, "No, that is not our opinion. My Conclusion and opinion is that the circumstance of having been once a Prisoner, transported to this Colony, is not a sufficient bar to a Man being admitted as an Attorney of this Court, provided his Conduct while here has been spotless and unblemished; but we have not made up our Minds whether these Petitioners be of that Character or not"; and the

Rulings of
associated
members re
admission
of attorneys.

1815.
22 June.

other associated Member, being asked if that was his opinion, replied that it was; so that the two Associated Members perfectly agreed together.

Then the Judge made an Address to the following effect.

The Court is now adjourned to Thursday next.

J. H. Bent's
determination
to suspend
business in
supreme court.

"I will punish the petitioners, if they attempt to force any thing further on this business; nor do I expect they will. I suppose the Members will do it, and, if they presume to press the Matter further against my Opinion, I will close the Court and Suspend the business thereof, until I hear from His Majesty's Government. the Court is now adjourned."

Dismissal of
Crossley's
petition.

That Your Petitioner, having heard that there was wrote on the Petition "dismissed," sent a written Note to the Chief Clerk of the Court to enquire how Your Petitioner's Petition in that matter was disposed of in Court, or if it was still depending; And received for Answer "Dismissed."

Majority rulings
to prevail in
courts of record.

Your Petitioner Most respectfully represents to Your Excellency that the Opinion or Judgment of the Majority in All Courts, in which Judges of record preside, is the Judgment of the Court, And the two associated Members having declared in what point they had differed from the Honorable Judge in Opinion, but that they had not made up their Minds as to the Qualification of the Petitioners, the record, that the Petition of Your Petitioner was dismissed, is erroneous, and not the Judgment of the Court; and the Petition ought to have been continued for further consideration of the Court, as the Major part of them had not decided in Judgment. And Your Petitioner shews that, in the Superior Courts at Westminster, the Major part of the Judges are the Judgment of the Court, and, where the Court is divided, two Judges of One opinion and two of another, there is no Judgment recorded in such a Case; but the records is by rule said that the Court are divided, and such cases have happened in the Courts at Westminster more than once in Your Petitioner's Memory.

Provision
in patent for
disagreements
between judge
and associated
members.

Your Petitioner Most Humbly states that, in a Case where the Associated Members differ in Opinion with the Judge, the Patent has pointed out the remedy (that is to say) that the Judge shall enter of record his protest against the Opinion of the Magistrates, and in all cases whatever, where the Judge differs in opinion from the Magistrates and enters such Protest of record, there is an Appeal to Your Excellency by the aggrieved Party, And Your Excellency's Judgment and decree in such case is final.

Your Petitioner Most Humbly represents to Your Excellency that, by the Patent, it is directed that the Supreme Court is to

frame rules of Practice and Nominate and Appoint Clerks and Officers, Subject to the Approval of Your Excellency; And Your Petitioner Most Respectfully Submits that, according to the legal construction of this Charter, the Court can only frame rules and Nominate Clerks and Officers for Your Excellency's approval; And, until Your Excellency may have approved of the same, such rules cannot have force as Laws for the better Administration of Justice and the due execution of the Powers granted by the Patent, nor can any Clerk or Officer be legally Vested in the Office unless with Your Excellency's approval.

1815.
22 June.

Governor's approval necessary for rules of practice and appointment of officers.

Your Petitioner Most respectfully Shews that the Judge Advocate and Supreme Judge, having before the Court met declared their resolution to exclude from future practice in their respective Courts every description of Person, who had practised in the Civil Court, for no other reason but because they first came Prisoners to this Territory, altho' they were free inhabitants of the Territory.

Predetermined decisions of judge and judge-advocate.

That such a resolution appearing to be highly injurious, as well as derogatory to the Inhabitants in general and individuals in particular, was Submitted to Your Excellency's consideration as a Matter that would eventually be of the greatest importance to the Interests of the free Inhabitants, Eight out of Ten of whom came first to this Country under the Sentence of the Law.

Importance of decision to inhabitants generally.

And altho' the Judge Advocate and Judge of the Supreme Court shew a determination to reject the Persons approved by Your Excellency yet they have sworn in Officers of their respective Courts without such first Approval, and some that came to this Territory under the Sentence of the Law.

Officers sworn in for new courts.

That the Statute of the 12 Geo. 1. Ch. 29, Sec. 4 is not applicable to this Colony; that Statute creates a disability to any Person, Convicted of the Crimes therein specified, to Practice as an Attorney and Solicitor or Agent in any of the Courts of Law or Equity in that Part of Great Britain, called England, but it does not appear to have meant to extend to any other part of His Majesty's Dominions.

Invalidity of statute cited by J. H. Bent.

That this is a New Country, where eight out of ten of the respectable Inhabitants first came to this Territory under Sentence of the Law; and, in such a Colony, long tried Good Conduct should be a bar to the remembrance of past Offences, when the party is deserving by his behaviour to be reinstated in Society, the same as before the Cause of his banishment occurred, as an example to others to Act with Justice and Integrity; And this seems to have been Your Excellency's gracious and Judicious System of Policy.

Re-admission of ex-convicts to civil rights.

1815.
22 June.

Some of those, who came out under the Sentence of the Law, are by their good Conduct here become fit to be raised in High Official Departments under Government, some Justices of the Peace; and it would be peculiarly hard upon Your Petitioner, having met Your Excellency's approval, that he should be excluded from practising as an Attorney, a Profession which he was brought up to, if his Character appears Spotless and Unblemished in the Territory.

Admission of
ex-convicts to
the magistracy.

The Patent has appointed two Magistrates of the Territory to be associated to the Judge as Members of the Supreme Court, and can it be consonant that Men, who by the Patent are qualified to associate with the Judge and to form the Court, should not be competent to Act as an Attorney in that Court, for no other reason than because the Person, who is required to Act as the Attorney, came out to the Colony under similar circumstances with the Magistrate, who is so qualified by the Patent to form part of the Court; and, in like manner, the Person requiring to be admitted as an Attorney had become free and had also preserved a pure and unblemished reputation in the Colony.

Appointment of
transportees as
chief clerk and
crier of
governor's court.

On the Eighth of May instant, the Governor's Court first opened under the New Patent; when, as the first Act of the Court, the Chief Clerk and Cryer* were both sworn in as Officers of that Court; both these Officers came Transports to this Territory; and, on the fifteenth day of May, the Court again met, when the Judge Advocate in open Court read a paper previously prepared, and which was called a general rule, and which the Judge Advocate said should stand at the head of the Orders as the first Order of the Court, by which it was ordered that no Person, who came a Transport to this Colony, should be permitted to practice as an Attorney of that Court. Whereas the Chief Clerk, who is to have the Custody of the records And all the Securities of all Suitors deposited in Court, and is a much more respectable Office in the estimation of legal Proceedings than an Attorney, came in the very precise capacity to the Colony, which they declare a bar to a Man being admitted an Attorney.

Order of
governor's court
excluding
transportees
from practise
as attorneys.

Prayer
for relief.

Your Petitioner Most Humbly Prays Your Excellency, Under all the Circumstances of this Case, will graciously deign to grant such relief as in Your Excellency's wisdom May seem conducive to Justice and Equity, and may carry into effect Your Excellency's benevolent and humane System of restoring Persons, who have been under the Sentence of the Law, to a respectable rank in Society.

And Your Petitioner will ever Pray, &c.,

GEO. CROSSLEY.

* Note 116.

[Enclosure No. 7.]

LETTER from Messrs. Broughton and Riley to the Governor.

Sir,

Sydney, 23rd May, 1815.

1815.
22 June.Papers
submitted for
Macquarie's
consideration
by members
of the court.

Having by Virtue of Your Excellency's Precept been appointed Members of the Supreme Court on its first opening under the Provisions of the New Patent, We regret that Circumstances of a very painful Nature should have placed us under the obligation of Submitting to Your attention a detail of the Proceedings, that have taken place during the four days of our Meeting Mr. Justice Bent, accompanied by:—

Vizt.

1st. The Copy of a Letter, dated May 12th, written by us to that Gentleman on the day following the last Sitting of the Court.

2ndly. The Copy of Mr. Jus. Bent's Answer, dated May 15.

3rdly & 4thly. Copies of a request from us to have the Court adjourned—And Mr. Bent's reply.

5thly. The Copy of our reply to Mr. Bent's letter of the 15th.

We will not Venture, situated as We peculiarly are, to offer any remarks on the Occurrences that have taken place, feeling it more Correct to let an impartial and Candid representation of the Circumstances, connected with them, be alone laid before you, But we respectfully Solicit of Your Excellency to be Pleased to Permit these Documents to be transmitted His Majesty's Ministers; And we are not without indulging a hope that when due Consideration is given them, and that when the whole line of Conduct we have pursued is dispassionately viewed. We shall not stand degraded in their eyes or in the Opinion of Your Excellency; nor that a lasting Stigma will be fixed on us for having differed so Widely in decision, as We have had occasion to do, with the Honorable Gentleman sitting as Judge of the Court, of which we had the honour of being Members.

Under all the Circumstances that have however so unfortunately taken place, We are reluctantly compelled to entreat Your Excellency will Permit us to Secede from the present Sittings, and be Pleased to Appoint two New Members for the remainder of the Court; as We cannot conceal from You the impression, that must continue to Operate on our Minds from the demeanour Mr. Justice Bent has thought it proper to already observe towards Us, and the threat yet held out by him of using his influence to have us removed by His Majesty's Ministers from the Magistracy, will render it so impossible for us to Cordially unite with this Gentleman in the performance of the Anxious

Request to be
relieved of
appointment
as members
of the court.

1815.
22 June.

Duties attendant on the Situation You have placed us in, that the Public Interests absolutely require us to make the request We now, with the utmost deference, Submit to Your Excellency.

We Have, &c.,

W. BROUGHTON.

ALEXR. RILEY.

[Enclosure No. 8.]

General minutes
of proceedings of
supreme court.

GENERAL MINUTES of the Proceedings of the Supreme Court on the 1st, 5th, 9th, and 11th May, 1815.

On Monday the 1st May. The Court met pursuant to the Precept of the Governor, when Mr. Broughton and Mr. Riley were Sworn in Members by Mr. Justice Bent, and a Clerk and Cryer having also taken the Oaths, the Thursday following was Appointed for receiving Petitions, when the Court adjourned.

By Intimation from Mr. Justice Bent, the Court did not meet again till *Friday the 5th instant*. When three Petitions were handed to the Court from George Crossley, George Chartres, and Edward Eagar, praying Permission to practice in the Court as Attornies, as they had been Permitted in the former Court of Civil Jurisdiction. The Judge first remarked on Mr. Eagar's Petition that it was irregular, inasmuch as it was underscored in particular parts and containing Argument shewing Cause why his Petition should be acceded to; for which Mr. Justice Bent highly reprov'd him; And, on Mr. Riley remarking that perhaps his Conduct in the present instance was less entitled to Condemnation, as a Similar Practice had prevailed in the former Court, Mr. Justice Bent dismissed the Paper. It being first agreed by the Court that Petitioners should be permitted to offer *viva voce* their Arguments in Support of their Prayer.

Mr. Crossley's and Mr. Chartres' Petitions were then read, and each of them made some remarks on their Purport. It was then Notified that the Court would meet again on Thursday, the 11th instant, and the Members arranged to have a Private Conference at Mr. Justice Bent's Chambers on the following Tuesday.

On Tuesday the 9th. Mr. Broughton and Mr. Riley met Mr. Justice Bent at his Chambers, when Mr. Bent introduced the Subject of the before mentioned Petitions, And "decidedly gave it as his Opinion that they all ought to be rejected on the Principle of their having originally come into the Country as Prisoners, And more particularly that George Crossley had been transported for Perjury and Mr. Eagar for Forgery." Mr. Justice Bent stated, "that there was an express Act of Parliament, forbidding any Person convicted of the former Crime ever practising again in any Court of Justice in England"; And He

further said that "the Judges in general had decided that a Man having been once convicted of Felony was a Sufficient Plea for his not being ever again permitted to Practice in any of their Courts as an Attorney." Mr. Bent said "it would be particularly injurious to his own Personal feelings, if they were so permitted, as well as injurious to the feelings and prejudicial to the Interests of Mr. Moore and Mr. Garling, who had been sent to this Country by His Majesty's Ministers to practice as Attornies; and that His Majesty's Ministers had intimated to those Gentlemen that, on their Arrival in this Country, they would have the exclusive Practice of the Governor's Court and the Supreme Court to themselves, and that no Persons, who had formerly been Prisoners, should practice with them." Mr. Bent then asked Mr. Broughton and Mr. Riley their Opinion on the Point in Question.

Mr. Broughton and Mr. Riley stated "they regretted they were compelled to differ from Mr. Bent, but begged him to be assured It was from no Personal disrespect to himself or any want of due Consideration for his legal Opinion; far from it, they had seriously and maturely weighed the Question in all its Consequences, and they could not, in Accordance with their Conscience, agree with him in the Opinion that the Circumstance of a Man, having come to this Country originally as a Prisoner, should, however fair and reputable his Character might afterwards prove, for ever shut from him the means of obtaining his livelihood in the line of life in which he had been reared. They acknowledged their inability to decide with Precision as to the Construction they should place on the Act, quoted by Mr. Bent, to have been passed to particularly exclude Men from ever practising in Courts of Law, who had once been Convicted of Perjury; But considering it had been framed before the Colony was formed, And that, even when it was enacted, it particularly confined its Actions to that part of Great Britain, called England, and totally omitted noticing (as is usual where intended) that it should have reference to His Majesty's Plantations, they were not in that state of Mind induced to reject a Petition on that Account alone."

They said, "they considered that the Philanthropy of the British Government had established this Colony, more under the benevolent hope of effecting reformation in the Principles of the unfortunate Characters who were sent to it, than to render it a place solely of perpetual Punishment and irremovable degradation. Viewing therefore as they did the Constitution of the Colony to have arose from such Principles, they said they could not believe His Majesty's Ministers desirous of the Adoption of a

1815.
22 June.

General minutes
of proceedings of
supreme court.

1815.
22 June.

General minutes
of proceedings of
supreme court.

Measure that would strike at the very basis, on which it had been formed, and take from Prisoners the most Active of all Stimulus to reform, that of the hope of once again recovering by their good Conduct in this Settlement the Privileges they had formerly enjoyed in their Native Country. They said they must think the Promulgation of such an intended System of Conduct would have the most baneful effects. It would tend to Stifle all Emulation in the Mass of the Population, And would render nugatory what they considered as the very essential Intention of the Legislature in supporting the different Establishments in the Territory."

Adverting more particularly to the Opinion of His Majesty's Ministers, they said "if they could think it was their wish to have such a line of Conduct observed, It would have certainly a very material Operation on their decision, Altho' not in their view of the Policy of the Measure; But they said, when they reflected that one of the very Magistrates, who might in all Probability have been appointed to Sit in this Court in Conjunction with Mr. Bent this day, had been sent to this Country a Prisoner, And that he had filled the Situation of A Magistrate upwards of five years, they could not suppose so Public an Office could have been so filled without the knowledge of His Majesty's Government; And therefore they must Conclude that his remaining in it was a Mark of their Approbation of his Appointment."

They said "they therefore could not conscientiously exclude from a Court Men, Praying Permission to fill the Minor Office of Attornies, because alone they had been similarly Situated in Misfortune with One of its Judges."

They further said "they were also materially influenced by the report of the Committee of the Members of the House of Commons, appointed to enquire into the State of New South Wales, who had said they viewed with satisfaction the Principle adopted in the Colony that long tried good Conduct should lead a man back to that rank in Society which he had forfeited."

They said "they coincided with Mr. Bent in regretting the Petitioners before the Court should first have applied to the Governor; But they begged him to be assured the Opinion expressed by the Governor had not directly or indirectly any influence on their Minds."

They Said "they had no hesitation in saying they considered the Appointment of such respectable Men, as Mr. Moore and Mr. Garling, a Public Acquisition, and likely to prove of considerable Advantage to the Colony; And it was the farthest from their Wishes to injure the feelings either of Mr. Bent or Mr. Moore or Mr. Garling, but they could not say they were justified in placing

the feelings of any three Persons in Competition with those of four fifths of the whole Population of the Territory. And if it was considered a Grievance to do business with Men who had been Prisoners, that Grievance had been voluntarily encountered, as all Persons coming to this Country must or ought to be aware, that from its peculiar Origin and Constitution such Collisions must necessarily Occur.

1815.
22 June.

General minutes
of proceedings of
supreme court.

"As it affected the Interests of Messrs. Moore and Garling, they did not consider the Question should be pressed on them in that point of view; But, as it had been mentioned by Mr. Bent, they were doubtful if His Majesty's Ministers, when they affixed a Salary of £300 Per Annum to each of those Gentlemen, could have considered it also absolutely essential that the right should exclusively belong to them of being employed as Attornies by either the Plaintiff or Defendant in all the Actions brought before both the Governors and the Supreme Courts by the whole Population of New South Wales. They said they not only thought His Majesty's Ministers had never intended this, But that it would in itself be impossible they could get through the business, And that it would be a Manifest hardship on the Inhabitants to Compel them to the Alternative of employing Persons as their Advocates without a Choice, or of going into Court to plead their own Causes, for which their Abilities might be totally incompetent. It would at all events happen, if Mr. Moore and Mr. Garling were the only Practitioners, that whoever of Plaintiff or Defendant applied first would leave his Adversary no Choice; And it would not be anticipating too much to say, it might as often occur that Personal difference or Objection would render it impossible for the Party, who had thus no Option, to employ the Gentleman not chosen by his Adversary."

They said "the unavoidable Necessity, which arose in this Colony of Gentlemen performing the Offices of business with Men who had formerly been Prisoners, did not of itself render it absolutely necessary that they should not be made the Associates of themselves or their Families; in that there was always an Option."

They said "they did not Scruple to admit they may have held and avowed Opinions of a Contrary tendency; as it affected particular individuals, they however could not but pause, when required to assent to the Adoption of a Public Measure, taking in so general and indiscriminate a Scope and affecting in its operation the body of the People.

"In Conclusion they said the more strict the regulations of Admission the more rigid the examination of Characters of parties applying for the Privilege, and the more scrutinous the

1815.
22 June.
—
General minutes
of proceedings of
supreme court.

Court were of the then general fitness, So much the more it would be, in Accordance with their Ideas, of the Necessity of the internal Economy of the Court being rendered as closely Similar to those of Great Britain, as could be Possible with due Consideration to the peculiar Situation of such a Settlement as the Colony of New South Wales."

Mr. Bent recapitulated his former remarks in reply, and the Members separated.

Thursday May the 11th. Previous to going into the Court, Mr. Riley begged to see Mr. Bent and Mr. Broughton in the retiring room, when Mr. Riley informed Mr. Bent that "to prevent any misconstruction of his Opinion, he found it necessary to say that he was not prepared that day to say whether any of the Petitioners before the Court should or should not be admitted; his Mind was not clearly made up; and he could only speak definitely to One Point, Vizt. whether the Simple Circumstance of having been a Prisoner was in itself sufficient to for ever banish a Man from the Court." Mr. Bent said, "he could not permit any Abstract points to be considered; Was Mr. Riley prepared to say whether Mr. Crossley should or should not be admitted." Mr. Riley said "he was not, Altho' in the point of View, in which the Act quoted by Mr. Bent at present appeared to him, he was inclined to think it could not reasonably be made to operate here." Mr. Riley begged Mr. Bent to be assured it gave him much uneasiness to be unable to coincide with him in this instance, But not considering the Question of admitting or rejecting Men from having been Prisoners as a Point of Law, he was unable to change his Sentiments on that Subject. Mr. Riley added that his respect for Mr. Bent's opinion was such, that in all Cases where he might be in doubt himself, in all Cases depending on points of Law where Circumstances had not caused him to decisively make up his own mind, he should feel it a duty to decide with Mr. Bent."

The Court then met pursuant to Adjournment, when W. H. Moore, Esquire, prayed to be admitted to practice as an Attorney, and having Submitted his Qualifications was sworn in.

Mr. Justice Bent then stated it was necessary the Petition of Edward Eagar should be dismissed, as he had not been admitted on the Rolls of any Court.

Mr. Bent then observed that, independent of other Considerations, the present Avocation of George Chartres* was totally incompatible with the Situation he prayed to be admitted to. Mr. C. said he would remove the Objections, which he had been compelled to resort to, by being prevented practising in his Profession.

* Note 117.

Mr. Crossley having rose apparently to speak to his Petition, Mr. Bent ordered him to desist, but Mr. Crossley still speaking, Mr. Bent said he would commit him; he added he had had an opportunity of saying all he wished on the preceding Friday. Mr. Broughton here said "he had understood it was arranged that the Petitioners should have an Opportunity of stating such Arguments, as they might be able to produce at a future period," and asked Mr. Riley "what light he had considered the Subject in." Mr. Riley said he certainly did "think the Petitioners were to have an Opportunity of viva voce supporting their Petitions; that it was the Sense he saw it in." Mr. Bent immediately said, "If that was the Sense you saw it in, You are destitute of Common Sense." Mr. Riley replied he was sorry Mr. Bent "had so little Sense as to tell him thus Publicly so." Mr. Bent then asked Mr. Riley if he was prepared to give his "Opinion on the question before the Court"; Mr. Riley said, "if Mr. Bent meant by the Question before the Court to include whether the present Petitioners were proper or not to be admitted, he was not prepared, but if"; Mr. Bent here stopped Mr. Riley by saying "I want no Ifs, Sir. It appears you cannot say Yes or No." Mr. Riley said, "he could express those Monosyllables with as much facility as Mr. Bent, but he had informed Mr. Bent, previous to coming to Court, that he was only prepared to speak on the general point, whether no Persons should be Permitted to Practice in the Court who had once been Prisoners." Mr. Bent said if that was the Case the Court should be adjourned, but he said he had first to say:

"The most insidious and improper Means had been exercised to accomplish the forcing the Petitioners on the Court; that the Opinions of the Executive Government had been promulgated, And had evidently influenced the Mind of two of the Members; Else it is impossible that two Men, who have declared they would not allow their Wives and Daughters to be Contaminated by associating with such People, should attempt to offer such an insult to My feelings and to the Dignity of this Court, as to assert that any of them are fit to be admitted as Practitioners in it. He was sorry that two Men could have been found, who would Support such Principles on a Point where he had a right to expect a deference to his Opinion, And where his feelings ought to have been Consulted. He said he solemnly pledged himself thus Publicly never to admit the Court to be disgraced by the Practice of such Men. If they attempted it, he would Severely punish them, And if any attempts were made to obtrude them on him either by the Members of the Court, or any other Power, he now repeated it as his most solemn determination that

1815.
22 June.

General minutes
of proceedings of
supreme court.

1815.
22 June.

General minutes
of proceedings of
supreme court.

he would adjourn the Court until the Opinion of His Majesty's Government could be obtained, And he should take especial Care to adjoin the Names of the two Members, who had differed with him in the Proceedings of the day, and transmit the same to His Majesty's Ministers that a lasting Stigma might attach to them for their Conduct."

Having concluded Mr. Bent said, without consulting Mr. Broughton or Mr. Riley, "The Court is adjourned."

Mr. Riley stated "he desired to have an Opportunity of delivering his opinion, which had not yet been afforded him." Mr. Bent said "he might deliver it." Mr. Riley said he "had the honor of a right to address the Court, but if it was adjourned he could only address the Multitude." Mr. Bent replied "let the Court then be considered as still Sitting." Mr. Riley then said,

"I have been desirous of embracing this Opportunity of Publicly declaring my Opinion as far as it goes, that I may exculpate myself from the charge of Inconsistence, which from the remarks of Mr. Bent will otherwise appear to belong to me. I therefore state I do not mean to say whether either of the Petitioners before the Court ought or ought not to be admitted, not being yet prepared to speak to that Point; But I think it necessary to thus unequivocally declare that I do not consider the Simple Circumstance of any Man, having unfortunately come to this Colony a Prisoner, is in itself a Sufficient Bar to his being for ever Permitted to practice in the Court as an Attorney, provided his Abilities render him Capable, and his Character is in all other respects Pure and without blemish."

Mr. Riley was proceeding; Mr. Bent said "Order, Order." Mr. Riley desisted; Mr. Bent then Asked Mr. Broughton if he had any thing to say; Mr. Broughton said "he perfectly coincided with Mr. Riley." Mr. Bent then said "as there was no business before the Court, It was adjourned to Thursday, the 18th instant."

W. BROUGHTON.
ALEXR. RILEY.

[Enclosure No. 9.]

CORRESPONDENCE BETWEEN MR. JUSTICE BENT AND MESSRS.
BROUGHTON AND RILEY.

[1] *Messrs. Broughton and Riley to Mr. Justice Bent.*

Sir, Sydney, Friday Morning, 12th May, 1815.

Having allowed a Sufficient elapse of time to free us from the Imputation of inconsiderately acting under the hasty impulse of Irritation, We should be wanting in Justice to ourselves, if we did not thus avow to you that during Your Sitting yesterday, as Judge of the Supreme Court, We consider you to have, in the most wanton, unnecessary, and unprovoked Manner, Publicly

Insult resented
by Broughton
and Riley.

injured and insulted our feelings; And that you unwarrantably charged us in the Open face of the Colony with a despicable Conduct it was unworthy of you to Consider possible in us, Vizt. that we were influenced in the Opinion we gave as Members of the Court by a Superior Power!

1815.
22 June.

Insult resented
by Broughton
and Riley.

We are with much Pain constrained to add, that your Public Misrepresentation of the Sentiments expressed by us at our Private Conference in Your Chambers on Tuesday, the Threats you denounced to us for our difference of Opinion with you, the alarming violent tenor of your Conduct, and your disrespectful demeanor to us, as Magistrates of the Territory and Members of the Court in which you preside, has formed an Impression on our Minds not to be effaced, And will never permit us to sit again on the same Bench with you, until we can assure ourselves We run no risk of suffering a repetition of similar indignities, or of again being subject to a similar Violation of the common rules of decency, and of the Character of a British Court of Justice.

Reasons for
refusal to sit
in court with
J. H. Bent.

We are, &c.,

W. BROUGHTON.

A. RILEY.

[2] *Mr. Justice Bent to Messrs. Riley and Broughton.*

Gentlemen,

Sydney, 15th May, 1815.

I have to acknowledge the receipt of your Letter of the 12th May, and am much surprised at the Sentiments and language which it contains.

From My Office as Judge of the Supreme Court and as a Barrister of near 10 years standing, I had a right to expect from you a regard to My professional feelings and Character, and a deference on points of Law and Practice, more especially on such a Point as the Question which has occasioned our present difference. Considering also that you do not profess an Acquaintance with the rules and Orders of a Court of Justice, I certainly never could have imagined that, against My Opinion, my explanation of the decided opinion of the legislature and all the Judges, And the implied opinion of His Majesty's Ministers from their Sending out respectable Attornies for the purpose of practising in the Courts here, you would attempt to force me to Swear in as Attornies, and consequently admit to a Gentlemanly Profession. Persons not only transported as felons and struck off the Roll of Attornies at home, but who never have been admitted to the Society of Gentlemen, And with whom neither yourselves, nor any other Gentleman or Officer, could or would associate. Presiding as I do in the Supreme Court, it is a Breach of known rule to force upon me either Attornies or Officers, whom I have reasonable Ground of disapproving; And even His Majesty's

J. H. Bent's
justification
of his actions.

1815.
22 June.

Government paid me the Compliment of nominating the Persons sent out to Practice as Attornies in the Courts here, and you ought not to be surprised that the little deference paid to My feelings or Opinion should cause me both to feel and speak warmly.

Reply to
charges of mis-
representation.

You charged me with Misrepresenting your opinions, given at a private Conference; I am not Conscious of so doing, and it would have been as well, if before such a Charge had been made, you had stated the Specific points on which you felt aggrieved.

If you consider yourselves treated with disrespect on the Bench by My interrupting the Petitioner Crossley, and obliging him to Sit down; in that, I did no more than My Duty, And in the whole course of the proceedings I have most reason to complain; a day had been fixed for hearing the Petitions, the party had stated the purport of his Petition, his Affidavit had been read by the Clerk, The Petitioner had urged his Arguments and had expressly stated he had nothing further to Say. The Court had adjourned to another day to give time to consider the Case, and upon meeting again nothing could have been more irregular than Mr. Crossley's Conduct. You both roundly and positively denied my Statement that he had been asked by me whether he had any more Arguments to urge, when upon my putting the Question the Petitioner himself, whose Cause you were so warmly espousing, admitted my statement to be correct and declined further Argument.

I will put it to any one whether openly denying the truth of my statement, and vexatiously opposing me on a point of mere form, was a treatment for a Judge of any Court, And whether that was not an intolerable instance of contumely and disrespect, and sufficient to awaken the greatest Indignation.

I certainly considered your Minds fully made up; but had you communicated a Wish to hear further Arguments, or to have time to review your opinion, I could not have had the smallest objection, And should have thought it no trouble to have recapitulated my reasons to you.

Reply to
charges of
threatening
the members
of the court.

The Charge of making use of threatening expressions I must wholly deny, and attribute the assertion to your Irritation; So far from that, in Order to avoid any Imputation of that Nature, I have scrupulously forbore to communicate what must necessarily be my Conduct, if you persisted in differing, being anxious to bring you over to my opinion by fair reasoning; what I spoke on the Occasion was from a written Paper and will rebut any charge of that kind. I there said that I would forward your Names to His Majesty's Government, And if your Conduct has been correct, I do not see how that can be Cause of Complaint.

Again it was well known to all Sydney, and even before I received the Letter itself, that the Governor had written to me officially, recommending the Petitioners' applications to the favorable Consideration of the Court, Copies of which Letter and my Answer were sent to the Petitioners as I have heard; And these are facts you admitted you well knew; such a Circumstance necessarily exposed any Court to undue Bias, more particularly a Court so Constituted in a Colony where all are more or less dependent on the Governor. Under such circumstances it is scarcely possible not to suppose that you would feel an inclination to comply with the Governor's Wishes so expressed. For what purpose was that Letter written, but to bias the Court; and the thing is so manifest that, in Order to avoid any imputation of that kind, It was natural to suppose that you would have been very diffident in differing in opinion with me on a point of pure Law and Practice, and more especially against the recorded Judgment of all the Judges of England; and, instead of forcing me to admit Persons so obnoxious, that you would have expressed a wish to defer the Matter at least till His Majesty's Sentiments should be known.

1815.
22 June.

Alleged
interference
of the executive
power in the
decisions of
the court.

With regard to your refusing to sit on the same Bench with me, it rests entirely with yourselves, if you think you have an Option so to Act. But it is a point well worthy of your Consideration, whether, for the sake of Mr. George Crossley alone, you will altogether cause a Suspension of Judicial Proceedings; for my own part I neither can or will without acting Contrary to my Oath and to the Law; And I do not wish to preside as Judge in any Court where transported Felons are admitted to Practice, or where the Members shew a determination to thwart me on points exclusively of Law and Practice, points on which you cannot possess the requisite Information to enable you to decide. His Majesty's Charter directs the Proceedings of the Supreme Court in its equitable Jurisdiction to be according to the rules and Practice of the High Court of Chancery; I should wish to ask whether you are acquainted with those rules and Practice, whether you are prepared with any rules and orders at all, And whether a Barrister of near ten Years standing is to learn Law from you or you from him. You seem to have thought that you had only to out vote me, And what you pleased would then be law; I consider myself sent here to point out the Law to the Members of the Court, and supposing them to act with a sound discretion, I should imagine they would feel themselves bound to attend to my opinion on a Point of Law, as much as a conscientious British Jury is bound to attend to the opinion

Refusal of the
members to sit
on bench with
J. H. Bent.

1815.
22 June.

Alleged want
of respect
towards
J. H. Bent.

of the Judge; While on the other hand I should be always ready to Pay every deference to the Opinion of the Members in Matters of Fact.

Seeing it in that point of view, I had a right to feel irritated and to consider your attempting to force improper Persons upon me a gross instance of disrespect, and the Letter you have written an Aggravation of it.

Impressed with high Notions of the respect due to yourselves, you seem to have lost all Sense of decency or respect towards me; And it very ill becomes you to talk of the Character of a British Court of Justice, who do not consider yourselves bound by the decision of all the English Judges, and would introduce Persons into the Courts here, who are by express Statute prevented from Practising in what are truly British Courts of Justice.

Determination
not to admit
transportees
as attorneys.

Actuated by no personal Motives, my intentions have been to make the Courts here as respectable as at home; Your intentions seem to have been to establish a disgraceful distinction between Courts of Justice in New South Wales, and every other Court of Justice in His Majesty's dominions; You have declared you think a Man convicted of Perjury and transported here, And who has never been received or associated with as a Gentleman in this Colony, a fit and proper Person to be sworn and admitted an Attorney of the Supreme Court. I have stated that it would be contrary to the Law to admit him, And that I will not administer the Oaths to him.

Status of
members as
magistrates to
be questioned.

Though I will not go so far as Yourselves and refuse to sit on the same Bench with you, I think your Conduct so much to be reprobated that I will submit it, to His Majesty's Ministers, whether Persons, who have acted with so little regard to the Law, to the Opinion of the Judge appointed by His Majesty to advise them, and to the respectability of a British Court, are fit and proper to be continued as Magistrates of this Territory.

I Remain, &c.,

JEFFERY HART BENT, Judge of the Supreme Court.

[3] *Messrs. Broughton and Riley to Mr. Justice Bent.*

Sir,

Sydney, 17th May, 1815.

Request
for further
adjournment of
supreme court.

We have under our Consideration your Letter of the 15th instant, to which we shall not fail to reply, but in the mean time We have to request the Supreme Court may be further adjourned until Thursday the 25th instant. Should you however consider it cannot be done with due regard to form without our presence in Court, we shall on receiving information from you to that Effect attend in the Morning.

We are, &c.,

W. BROUGHTON.

ALEXR. RILEY.

[4] *Mr. Justice Bent to Messrs. Broughton and Riley.*

1815.
22 June.

Gentlemen,

Sydney, 18th May.

I have received Your Letter of the 17th May, and in compliance with your request have to state that I shall adjourn the Supreme Court to Thursday the 25th instant. Supreme court to be further adjourned.

As I do not consider Your Attendance for the purpose of adjournment strictly necessary, It is a Matter upon which you can consult your own convenience and Inclinations.

I remain, &c.,

J. H. BENT, J.

[5] *Messrs. Broughton and Riley to Mr. Justice Bent.*

Sir,

Sydney, 22nd May, 1815.

We now embrace the first leisure that has permitted us to answer your Letter of the 15th instant, and, altho' we felt much unfeigned regret at the occasion which compelled us to write to you on the 12th instant, that regret is considerably increased by the Necessity now before us of replying to your remarks, which we lament to observe are not only ill calculated to restore the Cordiality so desireable in three Men placed in Public Action together on so important an occasion, but are, we must conceive, on the contrary of a tendency adapted to mislead the Judgment and Conclusions of those, who were not present in the Court on the several days of its Meeting, or who are not acquainted with the whole truth connected with the Question at issue, Whether we have or have not been to blame in the particular Conduct we have pursued, or whether the opinion we have formed is calculated to justly incur that Odium you have held out will attach to us for entertaining and avowing it.

Misleading character of J. H. Bent's letter.

We see it therefore incumbent on us to first recapitulate the Grounds which have Governed us; And as the most impartial mode of so doing, We extract, from a detail of the whole Proceedings of the four days on which we met, the reasons we gave you at our conference on Tuesday, the 9th instant, for not being able to coincide with yourself on the Principal Question, we considered before us: Vizt.

Reasons for refusal to adopt principle as laid down by J. H. Bent.

(For the Reasons Mr. Broughton and Mr. Riley gave for their difference of opinion with Mr. Bent See the General Minutes* of Proceedings of the Court.)

Now, Sir, We beg to ask you if, after having endeavoured thus candidly to give you reasons for the opinion we entertained, whether you had sufficient cause to consider that by our not Surrendering it to Your own, we were "without any regard to your professional feelings and Character," whether your wish to reject George Crossley could alone have any influence on our

Categorical replies to J. H. Bent's assertions.

1815.
22 June.

Categorical
replies to
J. H. Bent's
assertions.

Conduct; whether our persevering in Sentiments, we could not remove from our Minds, was "an intolerable Instance of contumely and disrespect"; Whether by it we shewed any "determination to thwart you on points exclusively of Law and Practice"; Or whether we can be fairly charged, by not acquiescing in your Ideas, with having "lost all Sense of decency and respect towards You!" We will trust that no such Construction can be justly formed, And we lament that you should have seen it proper to so often press into your remarks the Name of Mr. Crossley, or infer that our sole cause of Complaint, at the Conduct you have adopted to us, arises from the line you have observed towards him, And that for the sake of this Man alone We should venture "to cause a Suspension of Judicial Proceedings."

Defence of a
principle by
Broughton
and Riley.

You say that had we communicated a wish to hear further Arguments on the Question before the Court (We presume as it affected the particular Petitioners before it), or time to review our opinion, you would not have had the smallest objection; now, Sir, we cannot but regret you should have said so, as we must call to your Recollection that, previous to going into Court on Thursday Morning (the 11th instant), one of us (Mr. Riley) begged an Interview with you in the retiring room, and Specially stated that to prevent any Misconstruction in your Mind "he found it necessary to say he was not prepared that day to determine whether either of the Petitioners before the Court should or should not be admitted to Practice, and that he could only speak definitely on what he considered was the grand point to be settled, Vizt. That he did not think the Simple circumstance of having been once a Prisoner was in itself sufficient to for ever bar them from the Court, provided their Characters did not in other respects Militate against their Admission; But he was not then prepared to say whether either of these Men were so unobjectionable."

Can you therefore, Sir, justly say you laboured under doubt of our state of Mind, or are any of the many remarks in your Letter, so calculated to make it appear we entertained an undue Anxiety for the Admission of Mr. Crossley, candidly made? So far from it that we think the Pains you appear to have taken to represent that the Chagrin, we have naturally felt at the indignant treatment we received from you, arose alone from your dissenting from us on the point of this Petitioner, a most prominent proof that your Mind is (to say the least) improperly impressed with the Principles that have actuated us.

So far from your having any just Cause to judge it our intention to "thwart you on points exclusively of Law and Practice," It was particularly stated to you, previous to the opening of the

Court on Thursday, that such respect was entertained for your legal opinion, that on all occasions where a doubt was entertained, it would be taken as a Criterion; But, Sir, we beg to add that we do not see the Question, whether a Man should be for ever excluded the Court because he has once been a Prisoner, to be one of "mere form and Practice." We consider it one solely resting on Personal opinion of its local Policy.

1815.
22 June.

Deference to
J. H. Bent's
legal opinions.

The Charge of making use of threatening expressions, you say you wholly deny; but we will simply ask you, when you so violently declared "You would affix our Names to the Proceedings of the day, and transmit them to His Majesty's Ministers, that a lasting Stigma might attach to us for the part we had taken," whether we have not a full right to see "we could deliver our Sentiments as Members of the Court with that unrestrained Freedom so essential to the due Administration of Justice"; And, when we see you openly avow to us You will use your influence to have us removed from the respectable Situations of Magistrates of the Territory for having dared to Act as our Consciences have dictated, we will ask whether the having publicly so threatened us is calculated to inspire us with that Veneration for your legal Character, you are so desirous we should entertain?

Threats made
use of by
J. H. Bent.

If we were not to candidly give our Opinion, why were we asked it; If we were of a Contrary Opinion with you, on such a Point, so largely affecting in its Operation the future Interests of the Majority of the Colony, Would it not have been the extent of pusillanimity to have compromised it, or to have shrunk from an Avowal of our Sentiments? That it was considered by His Majesty's Ministers instances were to be expected, in which the Magistrates or the Court would differ from the Judge, is evident from the Provision in the Patent of your being allowed to protest, and the Suitors to appeal when such difference might arise. How far we are bound "to attend to your Opinion," when ours are uncontrollably in direct opposition, we will not here discuss, but we should be inexcusably deficient in the first Principles of our Constitution, if we were not aware that no such Obligation exists.

Obligation
of members
of court to
maintain
their opinions.

You say that you are ignorant of having Misrepresented the Opinion we gave at our private Conference, but having faithfully stated all we said on that day, We beg to ask you where we "declared our Wives and Daughters would be contaminated by association with such People." We do not hesitate to acknowledge, we said there was no Necessity of their becoming the Companions of the Families of those, who had occasion to perform the Offices of Public business with them, Nor do we believe would that necessity fail to be considered a grievance even in

Misrepresenta-
tions made by
J. H. Bent.

1815.
22 June.

England, if it promiscuously existed between all the Professional Characters, who are admitted to follow their Avocation in the Courts? But we must think such a Public Misrepresentation of our remark only calculated to unnecessarily wound the feelings of Men, already sufficiently alive from disappointment to Irritation.

Statements
previously
considered by
J. H. Bent.

You say you spoke from a Written Paper, And admitting that to be the case, does it lessen the Mortification of our feelings at your openly charging us in it with being evidently biassed in our Opinion by the Influence of a Superior Power, and at your public expression of Surprise that "two Men could have been found capable of supporting the Opinion we had given you. That you pledged yourself to represent our Conduct &c. &c." If you did speak only from a written Paper, it follows, that what you said had been previously matured, And therefore you certainly had not the Plea you would introduce of the Violence you displayed having arisen out of our Opposition to you in the Court on that day. But we consider our Conduct to have been rather such as should have moderated than roused the Acrimony you displayed against us. And whether the Private Conference, we had with you on the previous Tuesday, could have reasonably given you cause to coolly pen such language, or to contemplate such a demeanour towards us, We leave those uninfluenced by Prejudice to determine.

Denial of Bent's
assertions.

We Solemnly disavow having "denied the truth of Your Statement," or that we "both roundly and positively denied your assertion that George Crossley had been heard and asked if he had any more Arguments to urge." We merely said, and in the most deferent manner to you, that we had considered the Petitioners might that day be permitted to support their Prayers by Viva Voce Argument. And admitting, Sir, we were in Error in so supposing, Permit us to ask if it was becoming your own dignity, the Dignity of the Court, or the common respect due to us as Gentlemen, to publicly tell one of us (Mr. Riley) "that if that was the Sense he saw the Subject in, he was destitute of common Sense." Permit us to ask, who it was that then "treated the Court with Contumely and disrespect sufficient to awaken the greatest Indignation!"

Members
uninfluenced
by governor's
letter.

We shall forbear remarking on your Paragraph, where you again so unequivocally imply the Governor's Letter was written to bias us, but we feel it necessary to again most Solemnly declare that it had neither directly or indirectly any influence on our Conduct. We had previously stated to you our regret that the Petitioners had in the first instance applied to any other Quarter than the Court, And we think that common Charity should have

screened two Men, who have so many years they hope publicly displayed a Contrary Character, from the Corroding insinuation that they had forfeited their Oaths!

1815.
22 June.

We have had the honor of constantly sitting with the Judge Advocate of the Territory, as Members of the former Civil Court of Jurisdiction, and in the Court of Magistrates, during the Period of nearly Six Years, And in many instances on arduous occasions; And we can with pleasure appeal to that Gentleman to say whether, during so long and intimate a knowledge of us, he has ever had the most remote reason to consider us meriting the Opprobrium you would so hastily bestow on us, Or whether we have ever shewn any reluctance to Submit our opinion to his own, where he could, as President of the Courts, have reasonably wished it. Speaking of this Gentleman we cannot but add, that altho' we have by the Provision of the New Patent quitted official Association with him, We shall always remember the Mildness of his Manners and his uniform Urbanity to us with Sentiment of Personal regard and respect, and we do not hesitate to say, that we view with regret the being so suddenly prevented fulfilling our Public duty with yourself with the same Unison of feeling.

Previous
judicial
experience of
the members.

We now beg to assure you that nothing will afford us a greater Satisfaction, than the having an unprejudiced detail of the Proceedings of the Supreme Court, as far as it has gone, laid before His Majesty's Ministers, And that we shall consider it an honor to have our Names attached to them, notwithstanding the Stigma you anticipate for us. Yet if it should be deemed we have supported an erroneous opinion in the Court, We are not the first Men that have erred in their view of the Policy of particular Public Measures; but we trust it will be judged we should have been more blameable to have meanly sacrificed that Opinion under the dread of any reprobation for it; few Men are insensible to the Public Voice, and we do not proclaim ourselves to be absolutely so; but whatever may be the Opinion of His Majesty's Government and of the World at large of the Principle that has actuated us, we shall be consoled in knowing and feeling our Conduct has alone been guided by Conscience, and uninfluenced by any Motive, but a due Sense of the Importance of the situation we were unsought for placed in.

Desire for an
independent
opinion on
the principle
in dispute.

To prevent the injurious Effects of any Suspension of Judicial Proceedings, we shall Solicit the Governor to appoint for the present two New Members, as we cannot disguise from His Excellency and yourself, that we are persuaded the Objects of Justice will be much better answered by our Secession from the

Governor to
be requested
for relief
from duties.

1815.
22 June.

Maintenance of
independence of
opinion.

Court, while under the influence of Sensations that must unavoidably prevent the free and cordial Communication so essential in three Men so particularly Situated.

We can only add that should His Majesty's Ministers at your representation think it unfit and improper that we should continue to exercise the Functions of Magistrates, We shall Surrender our Commissions with more Satisfaction than we could retain them, if they disapprove of our Conduct; But whatever Construction may be formed of our decision, We must avow we can hold it no honor to be entitled to Sit as Members of any Court, where we may not freely declare our Sentiments on Subjects in Consideration without risk of incurring the resentment of its President.

We are, &c.,
W. BROUGHTON.
ALEXR. RILEY.

[Enclosure No. 10.]

STATEMENT OF MR. BROUGHTON'S OPINIONS.

William
Broughton's
statement of
differences of
opinion with
J. H. Bent.

STATEMENT of the Grounds on which William Broughton, Esquire, One of the Members of the Supreme Court, differed in Opinion with Mr. Justice Bent, as Judge of the said Court, on the question whether Messrs. Crossley and Chartres should or should not be admitted to Practice as Attorneys in that Court, on the Grounds that these respective Persons had once been Convicted of Felony and were Transported to this Colony.

First.—I differ in opinion with Mr. Justice Bent as to the interpretation of the Act* of the 12th of George the first, Because I do not conceive that it extends to the Colonies and Plantations, but that it is confined to that part of Great Britain, called England only.

Secondly.—Because these respective Persons have received the Royal Pardon, and the Instrument, under which the same is manifested, expressly declares that they are restored to all the rights and Privileges of free British Subjects in this Colony; to deprive them of the benefit of following their Professions would destroy the effect of the Pardon.

Thirdly.—Because if these respective Persons are restricted from following their Professions as Attorneys, it would be a manifest injury to the free Inhabitants of the Colony, inasmuch as there is but one Person (if this Principle is adopted) that is qualified to Practice in this Court as an Attorney, and because in every case there must be a Plaintiff and Defendant; and even were there two Persons found qualified to Practice, and in the event of the Plaintiff or the Defendant being allowed to Select the one or the other of these two Persons, it leaves either Plaintiff

* Note 110.

or Defendant without a Choice; but it is also possible that the Plaintiff or the Defendant may think proper to retain both of these Persons, by which means the one or the other would be deprived of legal assistance.

Fourthly.—Because the restricting the Petitions on these Grounds would have a baneful effect, on the Morals and Conduct of that Class of People, who form the Majority of this Colony.

Fifthly.—Because I think it repugnant to the Benevolent principles upon which His Majesty's Government founded this Colony, and in which I conceive they had a greater regard for the reformation of the People than the Punishment of the Criminal; and in this opinion I am supported by a Select Committee of the British House of Commons, who have expressly declared in their report that "They see with satisfaction that it is adopted as a Principle in this Government, that long tried good Conduct should lead a Man back into that rank in Society which he had forfeited, and do away, in as far as the case will admit, all retrospect of former bad Conduct," and in these principles (they further say) "Your Committee most cordially concur, and are the more anxious to express their opinions, as under a former Governor, Transports, whatever their Conduct may be, were in no instances permitted to hold places of trust and Confidence, these advantages being in his opinion not to be expected until after generations."

Sixthly.—Because it appears from the present Judge Advocate's Letter to the Secretary of State, wherein he recommends certain measures to be adopted with regard to these People, he says, "By these means they may be kept more orderly, and induced, by Sobriety and regularity of Conduct, to merit a re-admission of those privileges once forfeited by their Crimes."

W. BROUGHTON.

Sydney, New South Wales, 23d May, 1815.

[Enclosure No. 11.]

LETTER FROM MESSRS. BROUGHTON AND RILEY TO THE GOVERNOR.

Sir,

Sydney, 26th May, 1815.

In obedience to Your Excellency's desire expressed to us, in answer to our request to be permitted to Secede from the present Sittings of the Supreme Court, We have the honor to acquaint you that we yesterday Morning, pursuant to adjournment, proceeded to the Court House with the intention of taking our Seats on the Bench in Virtue of your Precept appointing us Members; but, previous to our entrance, We were informed by the Clerk of the Court, that Mr. Justice Bent wished to see us in his

1815.
22 June.

William
Broughton's
statement of
differences of
opinion with
J. H. Bent.

Attendance
of members
at court.

1815.
22 June.

Meeting held in
J. H. Bent's
chambers.

Chambers, and having already laid before Your Excellency a Statement of the Proceedings that have hitherto occurred in our Official Interviews with Mr. Justice Bent, we consider it necessary to further transmit you a Minute of the result of this Meeting.

We have, &c.,

W. BROUGHTON.

ALEXR. RILEY.

[Enclosure No. 12.]

Minutes of
proceedings of
meeting in
chambers.

MINUTES of the Proceedings attending the Meeting of the Members of the Supreme Court at Mr. Justice Bent's Chambers on Thursday May 25th, 1815.

MR. JUSTICE BENT said, "He had requested our Attendance with a view to obtain our Sentiments previous to going into Court; that with regard to his own Mind it was made up; and that he would never Swear in Men as Attornies in that Court, who had been Convicted of Crimes of which the Petitioners were; but, if we were inclined for the sake of carrying on Judicial Proceedings to take our Seats, that he would proceed to business and wait the opinion of His Majesty's Ministers." Mr. Riley said this arrangement certainly demanded our Consideration, and asked Mr. Bent, if the proceedings of the Court as far as they had gone, had been entered on record; Mr. Bent said they had not; there was no necessity.

Mr. Broughton asked Mr. Bent in the event that His Majesty's Ministers should sanction the admission of those People, in what Manner would the Circumstance operate upon his Mind; he replied that he should feel it a disgrace to sit in the Court with such Men. And that he would not.

Mr. Broughton said in that Case it was useless to Compromise the opinion he had given; Mr. Bent then asked Mr. Broughton what he had determined on? Mr. Broughton said, to take his seat in the Court, and to deliver his Sentiments with unrestrained freedom; that he had not had an opportunity of replying to the remarks which fell from him in the last day's Proceedings.

That he did not ask it as a favor but demanded it as a right. Mr. Bent said he would not sit to hear any remarks upon what he said on that day, and that he would adjourn the Court. Mr. Broughton remarked that he considered Mr. Bent had not the power of adjourning the Court without the Consent of the Members, but, if he wished to Secede from his Seat, it was a Matter of which he was to judge of the Propriety, but Mr. Broughton was determined to take his.

Mr. Broughton and Mr. Riley accordingly went to the Court House and took their Seats, and, Mr. Bent not doing the same.

they requested the Provost Marshal to take a Message to Mr. Justice Bent of the following Purport, Vizt:

1815.
22 June.

Proceedings in
the court.

“That they had taken their Seats as Members of the Supreme Court and requested to know if Mr. Bent intended to take his own as Judge.” Mr. Gore in return stated that Mr. Bent had said “there could be no Court without him, and that he would not receive any Message.” And immediately after a Paper was read by the Clerk of the Court signifying the Court was adjourned, until the 1st July. Considering this an Indignity offered to the Members of the Court then present, Mr. Broughton threatened to commit him the Clerk to prison; when he replied that he had acted under the Authority of the Judge.

W. BROUGHTON.

ALEXR. RILEY.

[Enclosure No. 13.]

LETTER FROM MESSRS. BROUGHTON AND RILEY TO THE GOVERNOR.

Sir,

Sydney, 1st June, 1815.

Having failed in the endeavours We felt due from us (in Obedience to Your Commands that We should resume our Duty as Members of the Supreme Court) to prevent the very fatal injury the Colony must Sustain if an entire Suspension ensues on its Proceedings, We have the honor to lay before Your Excellency Copies of Three Letters from Mr. Justice Bent, and of One from ourselves, of dates subsequent to the Meeting of the Court on Thursday, the 25th Ultio.

Failure
to achieve
resumption
of sittings of
supreme court.

We have, &c.,

W. BROUGHTON.

ALEXR. RILEY.

[Enclosure No. 14.]

CORRESPONDENCE BETWEEN MR. JUSTICE BENT AND MESSRS. RILEY AND BROUGHTON.

[1] *Mr. Justice Bent to Messrs. Broughton and Riley.*

Gentlemen,

Sydney, 25th May, 1815.

I have to acknowledge the receipt of your letter of the 22nd May,* And beg leave to say, that though I by no means admit the Justice of the Statement or observations which it contains, I shall decline fully replying to it, as I do not Conceive any good result can arise from prolonging a discussion already carried to too great a length.

Partial refusal
to reply to
letters.

I must, nevertheless, observe that the Extract and detail alluded to in your Letter are perfectly unknown to me, and must have been drawn up without any knowledge from your own recollection of the transactions, of which it purposes to give an Account, and that neither of you at any time communicated to me any written Statement of Your Sentiments.

1815.
22 June.

No general
ruling under
consideration
of the court.

The petitions
of Crossley
and Chartres.

From the tenor of your letter, persons might be led to conclude that I had submitted, to the consideration of the Court, some general rule, relative to the exclusion of a particular class of Persons from being admitted to practice as Attornies of this Court. But I submitted no such general rule to the Court, nor had I it in Contemplation so to do. I know of no Grand point or Public measure of importance before the Court. The only points before the Courts were whether the Prayers of the Petitions presented by G. Crossley and Chartres should be granted or not; I looked upon the Case of Chartres as being entirely out of the Question as in addition to other objections he was a Publican. The Case of Crossley was therefore the only one remaining, and this is the reason why I so frequently alluded to him in my former Letters, and I understood from both of you, both on Tuesday at my Chambers, and also on Thursday previous to my going into Court (for I explicitly stated the Question), that you considered that Crossley was a fit and proper Person to be admitted as an Attorney of the Supreme Court; that is, that, Contrary to Law, a Person not belonging to the Profession, who at the age of nearly 50 years (a time of Life when the Principles of a Man may be said to be unalterably formed) had been struck off the roll of Attornies, and transported to this Colony for wilful and corrupt Perjury,* a Crime peculiarly odious in any one connected with a Court of Justice, who have never been associated with by any Gentlemen in this Colony, was a fit Person to be restored to a Profession from which all Courts of Justice, in all Countries, do their utmost to exclude those who are not as well qualified by respectability of Character as by Professional knowledge.

Determination
to refuse
Crossley
admission as
an attorney.

This is an indignity to my Character and profession, to which I will never submit; when I accepted the appointment which I have now the honor to hold, I never could have supposed that such a description of Persons could be introduced into the Supreme Court; but on the contrary I had good grounds for supposing that any such measure would be in direct contradiction to the intentions of His Majesty's Government, And I must beg leave to repeat that, so far from four fifths of this Colony being affected by this measure, there are not Six Persons in the Colony it can immediately concern.

Concurrence
of judge-
advocate's
opinions.

Notwithstanding the invidiousness of the Comparison, I am much Pleased with the flattering expressions you use in speaking of my Brother, the Judge Advocate; and I feel particularly happy in being able to add that my Opinions on this Subject have met with his uniform Concurrence; he never had to encounter from either of you such violent opposition on a Point,

* Note 113.

which he as well as myself feels so intimately to involve his professional honor and feelings; had I been equally fortunate, I know of no Subject on which a difference of Opinion, on your parts, could have excited in my Mind the smallest Sensation of resentment or disturbed the harmony of the Court. It is natural I should express myself warmly where I feel so acutely, but I am nevertheless unconscious of having been betrayed into any warmth, which will not be sufficiently excused by the untoward circumstances in which I have been placed.

I remain, &c.,

JEFFERY HART BENT.

1815.
22 June.

Reasons for
making strong
statements.

[2] *Mr. Justice Bent to Messrs. Broughton and Riley.*

Gentlemen,

Sydney, 26th May, 1815.

At the Interview which took place between us yesterday at my Chambers, I submitted to you a Proposal by which I conceived that the disputes between us might be set at rest for the present, without either of us being called upon to sacrifice our opinions.

Compromise
offered by
J. H. Bent.

As you did not think proper to embrace it, and altho' the Matter had been so fully discussed among ourselves, as Mr. Broughton seemed to be inclined to renew the discussion again in open Court (a step not only irregular in itself, but likely to have been attended with unpleasant consequences), and being determined that the Court, of which I am the Judge, should not be converted into a Forum for the mere purpose of addressing the Public, I felt myself called upon by every prudential consideration to adjourn the Court.

Reasons for
adjournment
of court.

I now beg leave to add that I feel it impossible for me to enter that Court room, until I am perfectly satisfied not only that the Persons in question shall not be admitted to practice in that Court, until an opportunity is obtained of knowing the Sentiments of His Majesty's Government, but that all discussion of the Subject shall in the mean time be terminated.

Suspension
of all sittings
pending
reference to
England.

When I accepted the situation of Judge of the Supreme Court, I considered that it was to be guided, and its respectability ensured, by the adoption of those principles and rules (resting on general grounds and sanctioned by the experience and Wisdom of ages) by which other British Courts of Justice are regulated; and it is the greatest injustice to expect that I shall submit to Innovations directly contrary to Law and to those rules and Principles, and which so materially affect my own professional Honor and feelings, when could I have conceived that the matter would have been brought into discussion, I should have declined the honor of my Appointment.

Bent's position
as judge of
supreme court.

1815.
22 June.

Compromise
proposed by
J. H. Bent.

But to shew that it is my wish to terminate this dispute, and to prevent the Colony from sustaining the inconveniences it must otherwise sustain, I beg to submit to you a Copy of the loose memorandum containing the Proposal I have alluded to, and to add that if the Conditions there mentioned are complied with, I am willing to proceed with the business of the Court.

I remain, &c.,

JEFFERY HART BENT, J.

[Sub-enclosure.]

MEMORANDUM.

Terms of
compromise
proposed by
J. H. Bent.

THAT I am fully determined not to preside in the Court, if those Petitioners are admitted as Attornies. That I will never Swear them in. That, if therefore the Members are determined to oppose me on this Point, The Court had better be adjourned immediately without entering into any unpleasant discussion in Court.

That I am sensible of the injury the Public will sustain by this Step. If therefore the Members will agree to dismiss these Petitions, or defer giving any Judgment on them till His Majesty's Pleasure be known, I will do so on the part of the Court without making any observations, and adjourn the Court until the 1st July next, and in the mean time submit the necessary preliminary rules and observations to the Members at my Chambers, and, if no further obstacle arises, shall be prepared to issue Writs in ten Days.

On my part I will forbear proposing to the Court any general rule as to the admission or exclusion of such Persons from practising as Attornies, till His Majesty's Pleasure be known.

Both the Members and myself to be at liberty to adopt such Steps, as to the past as they shall think proper. And I beg to be understood that those Petitioners or other Persons, standing in similar circumstances, are not to be admitted to practice in the mean time.

J.H.B., J.

[3] *Messrs. Broughton and Riley to Mr. Justice Bent.*

Sir,

Sydney, 30th May, 1815.

Our Avocations have not permitted us to devote sufficient time to the Consideration of your Letters to enable us to answer them earlier, but it is incumbent on us no longer to delay acknowledging the receipt of those of the 25th and 26th instant, and to express our coincidence in your desire that a termination of Correspondence should take place on the Subject on which our late difference of Opinion has originated, which we must assure you has to us been in its whole progress peculiarly painful.

Cessation of
correspondence.

In reply to your Observations on the Extract alluded to in our Letter* of the 22d instant, we are to state, we do not mean to infer that either of us communicated to you any written Statement of our Sentiments at the Conferences, that have taken place between us; but from their unpleasant issue, we have felt it essential to commit to paper a general outline of the Circumstances as they occurred at our several official Interviews, which detail shall always be open to your perusal, and we regret to learn you have not yourself preserved a record of the same.

We are sorry to observe that you still see it necessary to represent Mr. Crossley as the Cause of our difference of Opinion, but, having already expressed that you could have no reasonable Grounds for such an inference, we will leave the Subject.

We should be disingenuous if we did not admit the tenor of our Letter leads to a Conclusion, that it was your intention to Submit to the Court some general rule relative to the exclusion of a particular Class of Person from being permitted to practice as Attornies of the Supreme Court; our remarks can bear no other Construction, for we declare we consider the whole purport of the Opinions you gave us, and the Arguments you adduced in Support of them, to be unequivocally that you would never allow any Men to practice before you who had come to this Country as Prisoners; Nor did we expect that you would at this Stage have inferred the Contrary; indeed it is needless in us to dwell in making a point evident, which you have so Circumstantially avowed at our Meetings and in your Letter. Our opposition to you has alone in principle been, that such a System without limitation would be openly inimical to the Interests and well being of the Majority of the Colony, and contrary to the intention of His Majesty's Government in founding it.

The question, whether Mr. Crossley, Mr. Eagar, or Mr. Chartres should be eligible for this Privilege as Individuals, was in our Minds, as we expressly stated to you of very trivial Consideration; their dismissal on particular Objections could only affect themselves; while it being decreed by the Court that no Persons transported to New South Wales should ever be admitted however reputable their Characters might subsequently prove, would in our view of its tendency have such baneful Consequences, and be so absolutely contrary to the first Principles of Justice, that we can never assent to its promulgation.

We do not mean to say that we profess ourselves acquainted with the rules of professional Practice, or with the particular precedents of established Courts; We only wish to be understood that our Conduct has been governed by the particular Circumstances attending the Colonies of New South Wales. And

1815.
22 June.

Minutes of
interviews
preserved.

J. H. Bent's
attempt to assert
a principle.

1815.
22 June.

Compromise
proposed by
Broughton
and Riley.

on the most mature deliberation we are unable to remove the Conviction, under which we have acted from our Minds.

In reply to your Letter of the 26th instant, we beg leave to say that we are most anxious, if possible, to prevent the injury the Colony must receive, if an entire Suspension takes place in the proceedings of the Supreme Court; And we beg to Suggest to you as a medium line of Conduct, That, until the Pleasure of His Majesty is known on the future System to be adopted in this Territory, such of the Petitioners as are in usual respects considered fit and proper (without looking to the Consideration whether they have or have not been Prisoners) should be allowed to Practice, not as Sworn Attornies, but simply as Agents under the respective Powers of Attorney they may be furnished with.

We are, &c.,
W. BROUGHTON.
ALEXR. RILEY.

[4] *Mr. Justice Bent to Messrs. Broughton and Riley.*

Gentlemen,

Sydney, 1st June, 1815.

I have to acknowledge the receipt of your Letter of yesterday's date, and have only to observe that my Sentiments on this Subject remain the same.

J. H. Bent's
refusal of the
compromise.

If the Question, as it relates to Mr. Crossley, Mr. Eagar, or Mr. Chartres, be really in your Minds of trivial importance, as you say it is, I cannot see the reason of your not acceding to my proposal. In my Mind, It is of so much importance that I never can depart from determination not to Sit in a Court where they are admitted to Practice.

I remain, &c.,
JEFFERY HART BENT, J.

[Enclosure No. 15.]

LETTER FROM THE GOVERNOR TO J. H. BENT, ESQR., JUDGE OF THE
SUPREME COURT.

Sir,

Government House, Sydney, 29th May, 1815.

Delay of
supreme court
in dispatching
business.

On my return on the 19th Inst. from my late Tour over the Western Mountains, I learned with much disappointment and sincere regret that certain differences of opinion, on points touching the Nomination of Persons to plead as Attorneys in the Supreme Court of Civil Jurisdiction, had arisen between you and the Gentlemen I had associated with you on the Bench in the Precept for the first assembling of that Court on the first Inst., Under the Provisions of the Patent, and that the consequence had been that the Court had not proceeded on the dispatch of

Business, which at this time was the more to be regretted, a lapse of ten Months having taken place since any Court of Civil Jurisdiction had sat,* and of course that long period had passed over without any means being afforded for the recovery of Debts, or for the extrication of Persons confined under charges of Debt.

1815.
22 June.

Delay of
supreme court
in dispatching
business.

These being circumstances of a most serious nature, deeply involving the security of Persons and Property and the best interests of the Colony, both in its internal and External relations, I trust they have not altogether escaped your Consideration throughout the differences that have arisen between you and the associated Magistrates on those points of minor consequence, which have, for so far, unhappily frustrated the great design for which I had assembled the Supreme Court.

Consequences
of the delay.

The Occurrences, to which I allude, have been of too much Notoriety not to have reached my ears thro' many Channels; and representations have been made to me, which I have received with much reluctance, in regard to the Conflicts which have taken place between you and the other Members of the Court, Messrs. Broughton and Riley, on the legality and expediency of admitting particular persons to become Solicitors or Attornies in the Supreme Court, and on the abstract principle of *Transportation* forming an insuperable barrier to any Persons being afterwards admitted under any possible Circumstances to become Solicitors in a Civil Court in this Country. These are the points which I the more willingly forbear entering into the discussion of, or passing any opinion upon, at present, from a feeling of delicacy towards you, as not having yet received any Communication from you on the Subject. This sentiment has led me to forbear making any Comment whatever on the Causes, which have produced either directly or indirectly an Event so very injurious to the Welfare and interests of this Community and of all its foreign Mercantile relations, as the Suspension of the functions of a Court of such extensive and important jurisdiction as that over which you have been appointed to preside as Principal Judge.

Suspension of
comment by
Macquarie
pending report
from J. H. Bent.

I cannot however longer forbear to express to you that I feel much surprize, mingled with Sentiments of regret, that you have not made Me, as The Governor in Chief of this Territory, any Official or other Communication on this very important occasion, the Publicity of which could leave no doubt of its existence. If Official Duty had not imperiously demanded a prompt Communication, I should have been disposed to expect it even as a Point of Courtesy at your hands in our relative Situations in this Country; and, altho' I cannot yet account for your Silence, I am still inclined to attribute it rather to inadvertency than to any

Neglect of
J. H. Bent
in making
report.

1815.
22 June.

Diffidence
in accepting
reports *re*
J. H. Bent's
procedure.

other Cause less respectful to Me, as the Governor of the Territory, and, by the Patent of the Supreme Court, intimately connected with its Proceedings.

Not taking it for granted as a fact that, in the few proceedings which have taken place in the Supreme Court, you have admitted and Sworn in certain Persons as Officers or Solicitors in that Court, without having in terms of the Patent submitted their Names to Me for approval, I barely feel it necessary to apprise you that I have received information to that effect, and to request that you will inform me fully on this Point, which I trust may prove otherwise than at present represented, being very reluctant to suppose that you would take a Measure of this importance on yourself, whilst it is so particularly prescribed by the Patent as requiring My Approval.

J. H. Bent to
make a report.

The Combination of circumstances of so much importance to the due administration of Justice and of Personal respect to the Supreme head of this Government, as those I have now adverted to, equally require that I should enter upon that Correspondence, which I had hoped would long ere this have commenced on your part, as well from a sense of Personal Respect, as from the more distinct feeling of its being a Duty, incumbent on the Situation of the Principal Judge of the Supreme Court, to make me a report on an Event wherein the Colony at large is so deeply interested.

The Gentlemen, whom I associated with you in this Court, have not omitted to report to Me on these unhappy Conflicts, and to express their Sentiments thereon for my necessary information and guidance.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 16.]

LETTER FROM MR. JUSTICE BENT TO THE GOVERNOR.

Sir,

Sydney, 31st May, 1815.

Expression
of regrets.

I have to acknowledge the receipt of Your Excellency's Letter of the 29th Instant, and readily concur in the Sentiments of regret you express for the differences which have arisen between the Members of the Supreme Court, and Myself; a regret rendered peculiarly poignant to Me, as I have not only the same general Grounds of concern, which influence Your Excellency, but have to lament the unprecedented disrespect and indignity, with which, as one of His Majesty's Judges, I have been treated.

Denial of
proposing
an abstract
principle.

Your Excellency is mistaken as to the cause you assign for the differences which exist between me and the Members of that Court, for I never did propose to the Consideration of those Gentlemen any such Abstract principle as that stated in your Letter. And I can by no means admit, that it is a Question of

minor Importance, whether Persons so peculiarly Circumstanced, as George Crossley, Edward Eagar, and George Chartres, should be Solemnly accredited, not to this Colony only, but to the whole world, as in every respect fit Persons to be entrusted with the Management of all legal concerns whatsoever, however delicate and important they may be; when I well know that is the object of numerous Acts of Parliament, and the regulations of all His Majesty's Courts of Justice, to do all that lies in their power not to Admit, as Attornies, those whose Characters are disreputable or Suspicious.

1815.
22 June.

Proposed
admission
of attorneys.

I have not hitherto communicated Officially to Your Excellency, as Governor, on this Subject, because I have not thought it expedient or a part of My Duty so to do. My Functions are entirely distinct from those of Your Excellency, and in the exercise of them I am not accountable to any but to those to whom Your Excellency is also accountable; I am not placed under Your Excellency's Command, either by the tenor of My Commission, by His Majesty's Charter, or by any Official Instructions from His Majesty's Ministers; when therefore Your Excellency expresses an opinion that Official duty imperiously demanded a prompt Communication from me on this Subject, and asserts that it was my duty as Judge to make a report to you thereon, you assume a Superiority and right of Command over me, which you do not legally possess, and to which I shall not Submit, and use a tone and language, which can produce no other effect than an useless irritation of my feelings.

Repudiation of
all control by
Macquarie
over Bent and
his actions.

In this Matter I have acted as a conscientious regard to my own Honor, and that of the Supreme Court, and my Sense of my Duty to the Public, dictated, and am fully prepared to Justify my Conduct to His Majesty's Ministers; but Your Excellency must excuse my plain and decided language when I add I can never recognize and shall, temperately but firmly, oppose any attempt on the Part of Your Excellency to interfere with me in the exercise of my Office, or with the Proceedings of the Court, of which I am Judge, in any manner not Authorized by His Majesty's Charter, which accurately defines and limits the nature of Your Excellency's connection with that Court.

Opposition to
any interference
by Macquarie.

Your Excellency, on referring to the Charter, will find that you have no legal Authority to assemble the Supreme Court, or to adjourn it; And, as Your Excellency says in your Letter that you had assembled that Court, I feel it necessary to point out that the expression is inaccurate both as to the fact and as to the point of right.

Your Excellency is pleased to call me the Principal Judge of that Court; but I must further add that I am constituted, by the

1815.
22 June.

Bent's status as
sole judge of
supreme court.

Charter and the Commission I have the Honour to hold, as the only Judge of that Court; for the Charter particularly and emphatically provides that the Court shall consist of *a* Judge to be appointed by Commission under His Majesty's royal Sign Manual, and throughout makes mention only of One Person, whom it distinctly designates as *the Judge* of that Court; and in my Commission, I am styled *The Judge* of the Supreme Court, making thereby an evident distinction between the Judge and the Magistrates.

Alleged illegal
recommend-
ations by
Macquarie
to the court.

But another very powerful reason, which has prevented me from communicating, either Publicly or Privately on this Subject, and left me no alternative but to Appeal to His Majesty's Ministers was, because Your Excellency had unfortunately prejudged the Question which has occasioned the differences alluded to, and had officially as Governor, without any previous discussion or Argument with myself or any attempt to ascertain my feelings on a point on which they were so deeply interested, recommended George Crossley and Edward Eagar to the favourable Consideration of the Court.

Reasons for
non-submission
of report.

Can Your Excellency really expect that I should, under these circumstances, make a communication to you from motives of cordiality and Courtesy, which I am not bound to do Officially, on the very point wherein Your Excellency's Conduct towards me has been so deficient in the delicacy, the Etiquette, and the Courtesy due to my rank and Station? or that I should make an Appeal to you on a Matter in which you not only formed, but publickly expressed an Opinion so opposite to my own? I have felt that on this Subject, tho' from my Commission I am peculiarly entitled to Your Excellency's Confidence, I am wholly without Your Excellency's Support, although I have every reason to believe that the Steps, which Your Excellency has taken, were without the knowledge and against the wishes of His Majesty's Ministers.

The legal
profession.

The Profession, to which I have the Honor to belong, is as honourable as the Military Profession, and as Jealous of admitting Persons into it that may disgrace it. The Business of an Attorney is a Gentlemanly Branch of that Profession; you cannot therefore be surprized, that my feelings should be sorely wounded by an attempt to force back into the Profession Persons, convicted of Perjury and other infamous Crimes, as doubtless your own would be by the Appointment of such Characters to the Situation of Officers in a Regiment under your Command. I am confident that His Majesty's Ministers will be surprized that, without their knowledge or Opinions being obtained, I should be exposed to such a Mortification to them; I shall state my

Conduct, and have the firmest Confidence that their Justice and liberality will fully appreciate the Situation in which I have been placed.

1815.
22 June.

In reply to another part of Your Excellency's Letter, I have further to add, that I have Sworn in my own Clerk, Mr. Moore as Solicitor and attorney, and a Crier. In regard to the first, he has been Sworn in, not as a Clerk or Officer of the Court, but as my own Clerk, about whom therefore there can be no dispute; with regard to Mr. Moore, his Situation is well known to Your Excellency, and he is not such an Officer as is meant by the Charter, which extends to Ministerial Officers only. The Office of Crier is always considered an usual and necessary Office in all Courts, And I have no doubt will be so considered by Your Excellency. I felt it necessary that such an Officer should be appointed immediately; but, when the general System is Submitted to Your Excellency, the Office may be disallowed, if you should think proper.

Appointment
of officers of
the court by
J. H. Bent.

I must beg leave to add that Your Excellency's approval extends only to the Officers (for the purpose of checking the Appointment of unnecessary Offices and fees), and not to the Persons appointed to fill them, which is a Patronage belonging to myself as Judge of the Court, and which I was Officially informed, before I left England, Your Excellency has been given to understand.

Limitations of
Macquarie's
powers.

A ten Months residence and recent experience has convinced me, how little the Inhabitants of this Territory are accustomed to treat Judges with respect. I pretend not to assign the cause, though I consider the effects most injurious; the title, by which His Majesty's Judges are uniformly designated in *all* His Majesty's Colonies, and in the East Indies, is here wholly withheld; and it pains me to observe tho' the same Courtesy and Custom, which universally gives to a Governor the title of Excellency, as universally gives to His Majesty's Judges that of the Honourable, Your Excellency has on no one occasion thought proper to extend it to me. I by no means wish to insinuate, however, that Your Excellency would purposely withhold from Me any title, which Courtesy or Custom authorized, nor do I feel the smallest Personal Interest or feeling on the Matter; but I do conceive it highly important that His Majesty's Judges should be held up to Publick respect by the scrupulous acknowledgement of every mark of attention, Sanctioned by Precedent and Custom.

Want of respect
of colonists for
a judge.

Feeling it to be inconsistent with My dignity and independence, as a Judge, to Submit to any interference or investigation into My Judicial Conduct on the part of the Executive

Independence
of Bent from
control by
executive power.

1815.
22 June.

Independence
of Bent from
control by
executive power.

Government of this Colony, I shall decline entering into any further discussion with Your Excellency on this Subject, except we are understood to meet on terms of equality and independence of each other, And have only to add that I have submitted to the Magistrates in Question such terms of accommodation as they may accept without Compromising their own Opinions; And which, if they refuse, I shall be justified in considering that an improper attention to the Interests and feelings of Mr. George Crossley (My own feelings being considered a matter of Minor Importance) is the sole cause of the Mischiefs and the inconveniences, which will result from the interruption of the Proceedings of the Supreme Court.

I beg to assure Your Excellency that I shall be always anxious to evince My Personal respect, and to do all in my power that can contribute to the welfare of Your Excellency's Government, and Sincerely lament that any differences should have arisen to disturb our Cordiality, which I shall be happy to restore in any way not inconsistent with my own Honour, that of my Profession and my Station.

I have, &c.,

JEFFERY HART BENT, Judge of the Supreme Court.

[Enclosure No. 17.]

LETTER FROM GOVERNOR MACQUARIE TO J. H. BENT, ESQR., JUDGE OF THE SUPREME COURT.

Sir, Government House, Sydney, 2d June, 1815.

Correspondence
to be
discontinued
by Macquarie.

I have received the very extraordinary Letter you have thought proper to address to me, under date the 31st of last Month, the Style of which is so highly disrespectful and offensive that I shall not trouble you with any further Correspondence at present, as a Continuation of it would probably subject me to further insult.

I cannot however help observing that some insinuations and assertions in your last Letter are as unjust as they are illiberal.

Report on
Bent's conduct
to be submitted
to secretary
of state.

I shall forbear making any Comments on many inconsistent Parts of your Letter, it being my intention to Submit my Sentiments to His Majesty's Ministers respecting your insulting Conduct to myself and to the two Magistrates, whom I had associated with you, as Members of the first Supreme Court, as well as in regard to the line of Conduct and Principles you have thought proper to adopt in your Judicial Capacity, as Judge in the formation of that Court, so very injurious to the decent interests of this rising Colony, not doubting but His Majesty's

Government will see the propriety and necessity of enjoining you to adopt a more enlarged and liberal Policy in your future Conduct, as Judge of the Supreme Court in this Country.

1815.
22 June.

I have, &c.,

L. MACQUARIE, Governor in Chief of N. S. Wales.

[Enclosure No. 18.]

GOVERNOR MACQUARIE TO JUDGE-ADVOCATE BENT.

Sir, Government House, Sydney, 17th June, 1815.

Having been informed that Certain Rules and Regulations have been drawn up and established by you, as Judge of the "Governor's Court,"* for the guidance of that Court, relative to the eligibility of Persons to be permitted to practice therein as Attornies and Agents, I have to request you will be pleased to furnish me with an Official Copy of the said Rules and Regulations, as well as with the Names of the Officers, whom you have Appointed or admitted to Act as such in that Court, conceiving myself entitled to receive such information from you according to the tenor of the New Patent.

Rules and regulations of governor's court *re* admission of attorneys.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 19.]

JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Sir, Chambers, Sydney, 19th June, 1815.

I beg to acknowledge the receipt of your Excellency's letter, dated 17th Inst., and to enclose for your information a true copy of such Rules and Orders, as have been established by the "Governor's Court," relative to the admission of Persons to practise as Attornies of that Court, and to inform you that Mr. William Henry Moore is the only Person, who has hitherto been admitted by that Court as such.

Orders *re* admission of attorneys.

In conveying this information to your Excellency, I respectfully beg leave to be understood as by no means admitting a right on the part of your Excellency to controul that Court in the adoption of such Rules, as it may think proper to form as the Basis of its practise; as I conceive that that Court (from whose decisions there is no Appeal) has in Common with other Courts a power inherent in its Constitution, and necessary to the exercise of its functions, of establishing Rules for its guidance in all Cases, provided they are not Contrary to the Law of England or to the Charter by which it is appointed; and I further Conceive that the only right, which is granted to your Excellency by the late Charter in regard to that Court, is the nomination from time to time of two fit and proper Persons, who with myself Constitute the Court.

Admission of W. H. Moore.

Limitations of Macquarie's control over governor's court.

I have, &c.,

ELLIS BENT.

1815.
22 June.

[Enclosure No. 20.]

RULES OF THE GOVERNOR'S COURT.

Rules of the
governor's court
re admission
of attorneys
to practice.

A TRUE EXTRACT from the Rules and Orders of the Governor's Court, New South Wales, relative to the admission of Persons to practise as Attornies of that Court.

No. 1. It is ordered by this Court that no Person whatsoever, who has been Struck off the Rolls of Attornies of any Court of Justice in any part of His Majesty's Dominions, or who has been transported from any part of His Majesty's Dominions for any offence for which such Persons are liable by the Law of England to be transported, shall on any account be admitted to practise as an Attorney of this Court.

Approved by the Court, the 15th day of May, 1815.

ELLIS BENT, J.-A.

No. 3. That every Attorney, before he be admitted and have his Name enrolled, do take the Oath of Allegiance, and likewise an Oath that he will truly and honestly demean himself in the practise of an Attorney according to the best of his knowledge and Ability, and that no person be allowed to practise as an Attorney of this Court, until he has been duly Sworn, admitted, and enrolled.

Approved by the Court, the 16th day of May, 1815.

ELLIS BENT, J.-A.

I certify that the above are true Copies of the only Rules and Orders of the Governor's Court on the Subject of the admission of Attornies.

ELLIS BENT, J.-A.

These Documents, Nos. 18, 19 and 20, Compared with Originals.
True Copies,—

JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1815," per ship Sydney Packet :
acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales,

23 June.

My Lord,

23rd June, 1815.

Irregularities in
administration
of the
commissariat.

1. Some Irregularities in the Conducting of the Commissariat Department here by Deputy Commissary General Allan having Arisen, I deem it My Duty to State the Same to Your Lordship, and to report the Steps I pursued in Consequence of them.

2. On the Arrival of Mr. Allan from England in June, 1813, as Deputy Commissary General of this Colony, he proposed to me to Issue his own promissary Notes (in Substitution of the Usual

Store Receipts formerly Issued) in payment of All Purchases he should have Occasion to make on Account of Government, And to Consolidate the same every two Months by Drawing Bills on the Lords Commissioners of His Majesty's Treasury, on the Plea that Notes of this Description would form a Most Convenient Circulating Medium for the Colony without Subjecting Government to Risk or Loss; Mr. Allan engaging not to issue Notes of this Description beyond the Amount of his Monthly Estimates of the Expences of the Colony.

1815.
23 June.

Issue of
promissory
notes by
commissary
Allan.

3. There appearing to Me at that time no reasonable Objection to this proposal under Such Engagement, as above Specified, And being fully Aware that it would be a very great Accommodation to the Public in enabling Individuals to make their Several Purchases and Payments in good Sterling Notes, instead of doing so with the Common Colonial Ones, I did not hesitate to Accede to Mr. Allan's Proposal on this Head; and he accordingly Commenced immediately to Issue his own Notes of Hand for All Purchases made on Account of Government.

4. But instead of Confining himself to the Amount of his Monthly Estimates of the Expences of the Colony in the Issue of these promissory Notes payable to Bearer on Demand, I was informed, Some time Since, from the best Authority, that he was in the practice of Issuing his Notes to an Amount far beyond that of his Monthly Estimate, and that he had entered into Various private Speculations, in making very Considerable purchases of Horned Cattle and Sheep, for which he paid in his own Notes thus Issued. I was informed at the Same time that the Public, in general, laboured under the dangerous Delusion that all Mr. Allan's Notes were guaranteed by Government, and they Consequently Considered them of Equal Value with a Treasury Bill approved by the Governor, Altho' the Faith of Government never had been given to that Effect, directly or indirectly.

Excessive
issue of notes
by Allan.

Public opinion
re Allan's notes.

5. Under these Circumstances, I deemed it Adviseable to lose no time in undeceiving the Public by Publishing a Government and General Order, directing the Deputy Commissary General to resort to the former System of Issuing Store Receipts in payment of All Purchases Made on Account of Government, when such payments could not Conveniently be Made in Dollars, the Small Quantity of that Specie being Insufficient for Making all Payments, more especially at the Subordinate Settlements. Herewith I do myself the honor to transmit for Your Lordship's Information, A Copy of My Government and General Order herein Alluded to; from the perusal of which, Your Lordship will perceive that I Carefully Avoided taking any Notice in it of the

General orders
re issue of store
receipts for
government
purchases.

1815.
23 June.

Notes heretofore Issued by Mr. Allan, in order Not to hurt or Injure his Credit or private Feelings, and leaving the public to form their own Conclusions from the Tenor and Spirit of the Order, being Unwilling to have it Supposed for a Moment that the Faith of Government Could, even by Implication, have been pledged for the payment of Mr. Allan's promissory Notes. Previous however to my Issuing the Order in Question, I sent for Mr. Allan and Explained to him Very fully My Reasons and Motives for adopting this Measure, Strongly Advising him to desist from all future private Speculations, to Confine his Attention Solely to his Public Duties, and to Call in and pay Off (if possible) all his promissory Notes of Hand immediately. How far he has Complied with this Advice I know not; but I believe he has Contrived to Satisfy the more Clamorous part of his Creditors. At all Events the Object of the Order was Clearly Understood Immediately by every one holding Mr. Allan's Notes, Not one of whom Came forward to Make any Demand upon Government for payment of them.

Private advice
given to Allan.

Order resented
by Allan.

6. Mr. Allan, having felt much Mortified and dissatisfied with My Government and General Order, *as a Banker*, thought proper to Address a Letter to Me under date the 7th of April last on the Subject of this Order; a Copy of which, together with My Reply thereto, I now have the Honor to transmit for Your Lordship's Notice and Information, Omitting the Enclosures alluded to in Mr. Allan's Letter, as I do not Conceive them of Sufficient Importance to trouble Your Lordship with. As My Sole Motive in Issuing the Order in Question was to Save Government, as well as the Public from any Eventual Loss by Mr. Allan's Notes Continuing in Circulation under the Mistaken Idea of their being guaranteed by the Government, I trust my Conduct in this Instance will meet Your Lordship's unqualified Approbation and Sanction.

Criticism
of Allan's
objections.

7. The various Objections, made by Deputy Commissary General Allan to the Order in Question, altho' on the first view of them plausible Enough, are in reality extremely weak and frivolous, and I trust will appear so to Your Lordship on a serious Perusal of my Answer to him on these Objections; it being Utterly Impossible to Assimilate exactly the System adopted by the Commissariat at Home to this remote Colony, which is so peculiarly Circumstanced in respect to Victualling the Convicts and other Persons entitled to Such Indulgence, that a local Difference of System must ever prevail here from that in Use at Home both in the Expenditures and Payments made in this Country on Account of the Crown.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDER.

1815.
23 June.General orders
re issue of
store receipts for
government
purchases.

Government House, Sydney, Saturday, 25th March, 1815.

IN order to obviate the inconveniencies that are likely to result to the Public from the want of a Sufficient quantity of *Specie* belonging to Government, His Excellency the Governor deems it advisable to resort again to the System, formerly pursued in this Colony, of issuing *Store Receipts* for all Purchases made on account of the Crown, not only at Head Quarters, but also at all the out and Subordinate Settlements, dependent on this Territory.

2. The Governor accordingly hereby orders and directs that, from and after the 24th Day of the ensuing Month of April, All Purchases of whatever kind or Description, shall be paid for in *Dollars* or in *Store Receipts*, which Receipts shall invariably be made out in the undermentioned

Form.

Form for
store receipt.

181 £ : : Sterling

£ : : St. No. Place and Date 181

Bushs. Please pay.....or Bearer the Sum

or lbs. of.....Sterling, being for (Bushels or

Lbs.) of.....delivered by h...into His

No. Majesty's Stores at this place at the Rate

of.....per Bushel or Lb.

.....Store Keeper.

To the Deputy Commissary General at Sydney.

3. These Store Receipts are to be brought into the Deputy Commissary General at Head Quarters for Consolidation, regularly at the end of every two Months, and all Persons possessing them are strictly enjoined to be punctual in doing so. Any Person holding Such Receipts in their possession, and neglecting to present them for consolidation within the space of Six Calendar Months from their respective Dates, are hereby required to take Notice, that they will be deemed forfeited to the Crown, and that Government will not hold itself responsible for any claims individuals may make afterwards on that Account.

Consolidation of
store receipts.

4. The Deputy Commissary General is hereby directed to furnish such of the Commissariat Officers in charge of any Government Magazine or Station with a printed cheque Book, made out in a correspondent Form with that of the Store Receipt herein before adverted to; and in order to guard as much as possible against Frauds or Forgeries, each Cheque in the Book is to have the Commissariat Stamp upon it. At the end of every two Months these cheque Books, containing the counterparts of all the Receipts issued, are to accompany the Lists of the Receipts delivered during the preceding period; and Such of the

Printed cheque
books to be
issued to
commissariat
officers.

1815.
23 June.

Receipts, as may be Cancelled, will then be chequed off the Book. The cheque Book, together with the Store Receipts delivered in at the end of every two Months for consolidation, are to be laid before the Governor by the Deputy Commissary General at the time of his Submitting to His Excellency the Bills on the Lords of His Majesty's Treasury for the Expences of the Colony.

Committee
to examine
issue of
receipts.

5. A Committee will be nominated and appointed by the Governor at the end of every Six Months for the express purpose of minutely comparing and examining the Receipts issued during the preceding Six Months; and the Committee will have Authority to see that the Receipts are regularly Cancelled, reporting to His Excellency in writing the Number and Amounts of Such Receipts as may then be left in Circulation.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secy.

True Copy :—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

DEPUTY COMMISSARY-GENERAL ALLAN TO GOVERNOR MACQUARIE.

Deputy Commissary Genl.'s Office,

Sir,

Sydney, 7th April, 1815.

Objections to
the system of
store receipts.

Having with the most serious and mature attention fully considered the Communication Contained in Your Excellency's Government and General Orders, dated the 25th Ultimo, in Consequence of your having been pleased to deem it advisable to resort again to the System, formerly pursued in this Colony (prior to my taking charge of the Commissariat thereof), of issuing Store Receipts for all purchases made on account of the Crown, I feel it a duty incumbent upon me to observe that however anxious and desirous I am at all times to pay implicit obedience to every Arrangement Your Excellency may deem necessary to adopt, Yet I cannot but Conceive that the one above alluded to, and now about to be acted upon, as pregnant with difficulties that must ultimately lead to Considerable embarrassment in the making up of, and in the final Settlement of my Public Accounts, and precluding me the possibility of transmitting the same for Examination at home at the respective periods pointed out in my Instructions.

The keeping of
public accounts.

I am far from supposing that the System, which I have heretofore pursued, to be free from objections or alterations to be made for the better; but when it is taken into Consideration that my Accounts for the year ending the 24th of December last are now actually closed, and only waiting an opportunity of transmission to the Auditors of Public Accounts, and that even those

ending the 24th of last March will be ready to accompany them, this I trust will sufficiently prove the great advantage attending that System by enabling me to bring So Closely up Accounts of So extended and Complicated a nature.

1815.
23 June.

In forming this System, I was solely Actuated by the desire of adhering, as closely as possible, to the Commands of the Lords Commissioners of His Majesty's Treasury, as Communicated to me by the Commissary in Chief (a Copy of which I did myself the honor of presenting to you on my Arrival in this Colony), and dated the 25th May, 1812, by placing my Department upon such a footing as to Come "within the Scope of my General Instructions, it being most desirable that the Service of the Commissariat should be Conducted as much as possible with a perfect uniformity in all parts of His Majesty's Dominions"; the clearness, distinctness, and many advantages, attending such a System of uniformity, I was fully aware of from a previous experience of many years; and to the principal Contained in the above Communication I have Certainly, as far as local Circumstances would allow, most closely adhered, And I have transmitted (by the Brig James Hay, which had arrived in England upwards of Six Months ago), to the Commissary in Chief for the consideration of the Lords Commissioners of His Majesty's Treasury, the plans which I had adopted and the System which I have pursued, and I entertained sanguine hopes, by the first arrivals from England, of receiving their Lordships' pleasure thereon.

Reasons
for issue of
promissory
notes by Allan.

I should feel myself wanting in respect to the situation I have the honor to hold, did I not with the utmost deference Communicate my Sentiments to Your Excellency on the System now again to be adopted.

Without adverting to the Evil tendency that might arise from the issue of Store Receipts by the Subordinate Officers of my Department in order to Create a Circulating Medium for the Colony, or entering into the very great inconveniences that must arise to a Public Accountant by his Vouchers being Converted into this medium, or adducing instances of the many frauds which were formerly Committed, I shall confine myself to the difficulties that must occur in the making up of my Accounts.

By the 26th Article of my General Instructions (a Copy of which Instructions the Commissary in Chief has notified to me had been transmitted to Your Excellency by the Right Honble. the Secretary of State), it is ordered that I do take Triplicate Receipts for every payment, and Triplicates of every Document relative thereto; the Store Receipts will Certainly become Documents of the very first importance as connected with the final payments; but while it is left optional with every Individual

Difficulties of
administration
of commissariat
under system
of store receipts.

1815.
23 June.

Difficulties of
administration
of commissariat
under system
of store receipts.

either to bring them into this Office, or else to Send them into Circulation the impossibility of even beginning to make up my Annual or periodical Accounts until Six Months after the termination of the time, when such Accounts should have been finally Closed, is evident by a reference to the 3d and 5th Articles of the said Government and General Orders. The great difficulties also that must occur in obtaining the Signatures of the original Disposers of the Provisions, when the actual payments of the Store Receipts (which they had in the first instances received from the Storekeepers) takes place, and the Vouchers for the payments to be signed must be attended with much inconvenience and delay. And by a communication, with which I have been honored from the Commissary in Chief, dated 23d April, 1813, and enclosing a Copy of a Letter to Ac'g Com'y General Broughton, and the Copy of a Report from the Comptrollers of Army Accounts to the Lords Commissioners of His Majesty's Treasury, and which had been transmitted for my information and guidance (Copies of which I do myself the honor of enclosing); It is distinctly stated therein that the Store Receipts should have accompanied his Accounts as Vouchers, and for the want of which the Comptrollers had Considered it necessary to take notice of the same to their Lordships, and Mr. Broughton has been called upon to account for the deficiency.

From Ass't Commissary General Palmer, I have also learned that the great objections made, and the difficulties he experienced in passing his accounts at home, arose in like manner from a want of Vouchers, and he informs me, that at this moment there is a Surcharge against him for such deficiency.

Statute relating
to transmission
of public
accounts.

I have further with the utmost deference and respect to submit to your Excellency's Consideration the Act of Parliament 46th Geo. 3d, C. 141, S. 8, which has been notified to me by the Auditors of Public Accounts, under Date 22d Augt., 1814; by this it is enacted that "All Persons accountable for Public Moneys shall within three Calendar Months at the latest after the 31st December in each year, or within three months after the period to which their Accounts are usually made up, deliver into or transmit to the Office of Auditors of Public Accounts, an Account Current of all Sums of Money received and paid by them for the Public Service within the preceding Year, which Account is to be attested upon Oath on foreign Stations before the Governor, the Commander in Chief, or Judge Advocate to the Forces, or a Chief Magistrate of the place, where the person attesting the same may reside at the time of such Attestation, accompanied with the necessary Vouchers in support thereof." A copy of this communication I likewise do myself the honor of enclosing.

Thus I most respectfully hope Your Excellency will perceive the impossibility of my Complying with the enactments of the above Statute, for Six Months (as I have already observed) must interpose before the Store Receipts can even be called in, and the absolute necessity of their accompanying my Cash Accounts, as Vouchers, is distinctly stated in my own Instructions as being Documents most intimately connected with these Accounts.

1815.
23 June.

Impossibility of
complying with
instructions.

Should it be deemed expedient in order to enable me to bring up and close my periodical Accounts at the time fixed upon, as already pointed out, that final Receipts should be taken as if payments had actually been made when the Store Keepers deliver the Store Receipts to the Individuals respectively, who may supply the Stores, such a practice would, in my very humble opinion, be Considered by the Public Departments at home as highly irregular, by charging the Crown for all purchases as if final Payments had been made at the time, and transmitting these acknowledgements of payments as Vouchers in support of the Accounts, whilst only Store Receipts had been granted, and which Receipts might actually be in Circulation and unliquidated at the very time, or perhaps for months after the closing of these Accounts.

Keeping of
accounts under
system of
store receipts.

Under all the Circumstances, which I have now done myself the honor of respectfully submitting to Your Excellency's Consideration, I most humbly trust that you will see the expediency of amending that part of the said General Order in so far as regards the issuing of Store Receipts, and that you would be pleased to authorise in place thereof that all payments made on account of the Public Service to the amount of One hundred pounds or upwards should be made by Bills at Par drawn on the Right Honble. the Lords Commissioners of His Majesty's Treasury, which Bills to be paid at the time of the purchase, or as soon after the 24th day of every month as possible, And that all payments under the amount of One hundred Pounds should be made in the stamped Dollars issued some time ago from this Office.

Proposed
amendment of
general orders.

In the adopting of this measure. I feel confident of its Success, whilst at the same time it will be in strict conformity to the Instructions which I have received from their Lordships, wherein I am directed in Article 21st, with the exception of Small payments or petty disbursements, to make all my payments by Bills drawn on their Lordships. Thus Your Excellency will perceive that actual payments would be made at the time of Purchase, My Public Accounts would wind up of themselves, be completed, and finally settled on the 24th Day of every Month, whilst such a number of Treasury Bills would at all times be afloat as to meet

Advantages
of proposed
change.

1815.
23 June.

all the exigencies of Commerce, and, with the aid of the Twelve Thousand Pounds of Government Dollars before alluded to, would answer all the purposes of a Circulating medium.

I have, &c.,

D. ALLAN, D.C. Genl.

In Nine Pages. Compared. True Copy:—

JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL ALLAN.

Sir, Government House, Sydney, 12th April, 1815.

I have to acknowledge the receipt of your letter, dated the 7th Inst., with the Documents referred to therein.

Macquarie's
reasons for
resorting to
system of
store receipts.

It was not without very serious reflection and mature deliberation that I came to the resolution of issuing the Govt. and Genl. Order of the 25th Ult., respecting the Commissariat Department, with which I should not have interfered at all but from the fullest conviction that my doing so was necessary for the guarding both the interests of the Crown and of the Public from eventually suffering by the System, you had adopted in conducting the payments of that Department, Since the period of your taking charge of it. This System has appeared to me fraught with the most ruinous consequences to Individuals, as well as of eventual injury to the Public, if persevered in; and I have therefore Considered it my indispensable Duty to put a Stop to it, by resorting to that System which had been formerly so long in use here, and which was found well Calculated to answer every desirable object.

No necessity
for amendment
of general order.

Having perused your letter with much attention as well as the Papers accompanying it, I must observe that I have not discovered any thing of sufficient weight in the one or the other to induce me to alter my opinion in regard to the expediency of the System, proposed in my Govt. and Genl. Order of the 25th Ult., or to lead me to make any alteration whatever therein. The difficulty, stated by you in regard to the making up and transmitting to England your Public Accounts at the periods prescribed in your General Instructions, appears to me rather an imaginary than a real one, and Such as may be easily obviated; but in the event of your being enabled to make it appear that you are at any time obstructed from making up and transmitting your Public Accounts to England at the regular periods, through the operation of the Genl. Order now under Consideration, I shall willingly take the responsibility on myself, whereby you will be exonerated from all Censure on that Head.

It has never been in contemplation with me that you should commit so great an irregularity as to charge, in your Public Accounts, the amount of such Store Receipts as have not been presented to you for consolidation; on the Contrary, you and I must alike take Care that no Store receipts shall be charged in the Public Account until they shall be actually paid off, and when it shall happen that any Store Receipts remain unconsolidated beyond the regular time, they must only be included in the Accounts of *that Term* wherein they have been paid by a Consolidation.

1815.
23 June.

The keeping of
public accounts.

However irregular the System of charging the Amount of receipts in the General Account, previous to their being actually paid, would be, I cannot avoid remarking that, altho' in your arguments against the re-adoption of the System of Store Receipts, you object that such would be the Consequence, you have not hitherto hesitated to include the amount of Drafts on you from the Commissariat Department in Van Diemen's Land previous to their having been presented to you for Consolidation, and Certainly every argument against the charging by anticipation, which can be urged in the one Case, must hold equally good against it in the other.

Treatment of
drafts drawn
in Tasmania.

It does Certainly appear to me very Singular that the System you have now proposed of paying for all Govt. Purchases amounting to £100 or upwards by Bills on the Treasury, and for Smaller ones by stamped Dollars, which you State to be in Conformity with your Instructions, should not have been adopted as a matter of course by you immediately on your taking charge of the Commissariat Department here; for, if you feel a necessity for recurring to those Instructions *now*, they should have certainly claimed your earlier attention, and have been the rule of your Conduct from the commencement.

Allan's proposed
new system
of payment.

Were it however admitted that this mode might be adopted without any Considerable inconvenience at Head Quarters, it would be altogether impracticable in regard to the Out Stations and Subordinate Settlements, as the Commissariat Officers at those places are not authorized to draw Bills direct on the Lords of the Treasury, neither would they be enabled to make the Smaller payments in the proposed way, as they have not Stamped Dollars supplied to them. This being the Case the Officers of the Commissariat at these other places must necessarily rely on you by drawing Bills for the amount of their respective Purchases, and the doing so on all occasions would be still more liable to objections than the issuing of Store Receipts agreeably to the new order; whilst these latter appear much simpler and less subject to fraud than the former, and at the same time become

Objections to
Allan's proposed
system.

1815.
23 June.

Objections to
Allan's proposed
system.

Allowances
for deviations
from general
instructions.

Frauds
committed under
system of
store receipts.

General orders
to remain
unaltered.

a very desirable and Secure circulating medium throughout the whole of the Territory. Another argument, of no small weight against the making the larger payments by Bills direct on you and the Smaller ones by Stamped Dollars at the Out Settlements or Stations, may be urged from the very great inconvenience and risk of loss to which Government would be exposed by the transmission thither of Dollars or any other Specie through so very extensive a Territory as New South Wales.

Local Circumstances of this nature, and the unavoidable difficulties thus presented to our view, must therefore be duly weighed and invariably considered in the framing and adopting of all General Regulations, and where General Rules will not apply to particular Circumstances, the Public Offices at home will be ever disposed to make all due fair allowance for the occasional Deviation from General Instructions, and the Circumstances of this remote Country must render it utterly impossible to assimilate the Practice in the Public Departments here with that prescribed at home in all its branches.

Having Stated in your objections to the System of Store Receipts, that *many frauds* were formerly committed in Consequence of it, I feel it necessary to inform you that your information on this Subject is erroneous; for the fact is that frauds of that nature were very rare indeed, being confined to two or three instances at the most, so far as relates to the forging of Store Receipts, for the long period of Twenty years and upwards, during which time they have been the mode of payment Constantly in use here. During the period of my own Administration now upwards of five years duration, one forgery only of this kind has been committed; and their having been so very rare is in my opinion a Strong argument in favor of the System.

Under the full Consideration of all these Circumstances, I must now maintain that there appears no good reason to me for my either rescinding in toto, or in any degree altering, my Govt. and Genl. Order of the 25th Ultó.; and I have therefore only to repeat my injunction to you to be implicitly guided by those orders which I have the fullest assurance will meet the decided approbation of His Majesty's Ministers and Government, when I shall have Stated all my reasons and motives to them for my adoption of them at this time. I shall not fail to make a full Communication, by the earliest opportunity, to His Majesty's Ministers on this important Subject, and will in due time apprize you of the result.

I have, &c.,

L. MACQUARIE.

True Copy :—JNO. THOS. CAMPBELL, Secy.

EARL BATHURST TO GOVERNOR MACQUARIE.

1815.
24 June.(Despatch No. 43, per ship *Fanny*; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 24th June, 1815.

I transmit You herewith the enclosed List of the Wives and Children of Convicts, who have been allowed to proceed to New South Wales on Board The Ship "*Mary Ann*."

I have, &c.,

BATHURST.

[Enclosure.]

[A copy of this list is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 7 of 1815," per ship *Sydney Packet*; acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales,

My Lord, 24th June, 1815.

1. Since the Date of My last General Dispatch of the 24th of March of the present Year, I have had the Honor to receive Your Lordship's and the Under Secretary of State's several Letters, as Specified in the Margin,* to All which the Most respectful Attention will be paid. My last Dispatch was transmitted by the Ship *Wellington*, Via China, which Sailed hence on the 2d of April last, the Duplicate of which is forwarded by the present Conveyance, the Ship *Sydney Packet*, bound direct for England, and which therefore may be Expected to Arrive there even before the *Wellington*.

2. I have the Honor to report to Your Lordship the Arrival here, on the 25th of April last, of the Ship *Indefatigable*, Commanded by Captn. Matthew Bowles, with 198 Male Convicts, and a Guard Consisting of Small Detachments of the 1st (or Royal Scots), 80th, 84th, and 86th Regiments, under the Command of Lieut. Hoskins of the former Regiment on board. Both the Troops and Convicts Arrived in Good Health, two only of the latter having died during the Voyage. Mr. J. Smith, a Free Settler, with his Family, Came Passengers in the *Indefatigable*. The Convicts by this Ship were distributed in the usual Manner After a Minute Inspection.

3. On the 18th Inst., The Ship *Northampton*, Commanded by Captn. John A. Tween, Arrived here from England, having on board 106 Female Convicts, and 30 Free Women, Wives of Convicts, with 42 Children. Many of the female Convicts have

* 27th April; 2nd and 17th May; 1st, 2d, and 8th June; 5th and 6th July; 8th, 10th and 21st Augt.; 6th, 12th and 20th September; 9th and 17th November; 8th and 9th December, 1814.

1815.
24 June. also brought Children out with them. The Women and Children arrived in Good Health with the Exception of One of the female Convicts, who is perfectly Insane; and Four died on the Passage hither. The Convict women were distributed in the usual Manner to Families, as Indented Servants, or sent to work at the Government Factory at Parramatta. The free Women immediately joined their Husbands. Ensign George Stewart, 46th Regt., Andrew White and Thomas Brown, Free Settlers, Morris Nichols, William Blake, and Charles Dowdle, Free Men, Came out as Passengers on board The Northampton. Mr. Joseph Arnold has Come out in the Northampton in the Capacity of Surgeon and Agent of Transports, being Appointed by the Transport Board for this particular Service. This Gentleman, intending to return Home immediately, has applied to me to pay for his Passage, Stating that Government is engaged to do so; but as I have not received any Instructions from Your Lordship respecting Mr. Arnold, I have declined Complying with his Request.
- Passengers on the Northampton.
- Request of surgeon Arnold for passage money.
- Non-arrival of ships Francis and Eliza, and Canada.
4. The Ships, Francis and Eliza, and Canada, with Male and female convicts from Ireland, which are reported to have Sailed from that Country for New South Wales upwards of a Month before the Northampton left England, have not Yet Arrived here; and Consequently serious Apprehensions are now Entertained respecting their Safety. Mr. Garling, the Solicitor, with his family, are Said to have Embarked for this Country on board the Ship Francis and Eliza*; and it was reported at Rio Janeiro, when the Northampton was there, that this Ship had been Captured by an American Privateer.
- General condition of the colony.
- Improvement of town of Sydney.
5. I am happy to have it in my power to report to Your Lordship that this part of the Territory Continues in a State of perfect Tranquility and progressive Improvement. The Settlers begin to pay greater Attention, than they have done heretofore, to their own personal Comforts, and in Enclosing and improving their Farms. The Town of Sydney is Also Improving fast in Extent and Elegance, Several large handsome Buildings having been lately Erected in it by private Individuals; and in a few Years, as Trade Increases, I have no Doubt Sydney will be as fine and Opulent a Town as any one in His Majesty's other foreign Dominions.
- Disturbed state of settlements in Tasmania.
6. I sincerely lament that I have it Not in my power to make an equally favorable Report to Your Lordship of the present State of the Settlements on Van Diemen's Land, which, I am Concerned to Say, Still remain in the Same disturbed State as they were in at the Date of My last Dispatch† to Your Lordship. The Run-away Convicts, Commonly Called "*Bush-Rangers*."

having within these few Months Committed the Most daring Outrages and Depredations on the persons and properties of the Inhabitants at both the Settlements of the Derwent and Port Dalrymple. The real Cause of so many of these lawless Men betaking themselves to the Woods, and to a Life of Plunder and Rapine, Must be principally, if not wholly, Attributed to the Want of an Efficient and Energetic Government in that Island, the Officer in the Chief Command there for Some time past having taken No pains to put a Stop to these Outrages, until lately rowzed from his Lethargy by the Clamour and Complaints of the poor Inoffensive Inhabitants, who had So Severely suffered by the Bandittis of Bush-Rangers.

1815.
24 June.

Depredations by
bushrangers.

Being Extremely Unwilling to Declare Martial Law in Any part of the Territory Under My Government, I frequently expressed that Unwillingness to Lieut. Governor Davey in My Correspondence with him on this very important Subject, at the same time sending him the Outline of a Plan of Active Coercive Civil Police to be established at both the Settlements of the Derwent and Port Dalrymple for the Suppression of these Disturbances and the Apprehension of the Banditti, And at the Same time Authorizing him to send out Small Detachments of the Military in Aid and Support of the Civil Police.

Macquarie's
proposed
repressive
measures.

Instead however of Adopting this Plan, which in fact I ordered him to Carry into Effect, he has lately, Contrary to these Orders and without Obtaining or even asking for My Permission so to do, taken upon himself the highly illegal and Unwarrantable Step* of Declaring Martial Law All over the Island of Van Diemen's Land.

Proclamation of
martial law by
lieutenant-
governor Davey.

This is a Measure of so much Delicacy and Importance to the Interests and Happiness of every Free British Subject, that it never ought to be resorted to but in Cases of Extreme Danger and paramount Necessity; and, if at all necessary to be resorted to, such a Measure Should have at least Originated with the Governor in Chief and not with a Subordinate Officer. I Consequently Cannot help Considering the Conduct of Lieut. Governor Davey on this Occasion as not only Illegal, but highly disrespectful to My Authority as Governor in Chief, Subversive of All Subordination and Discipline, and dangerous in the Extreme in its Example and Consequences. I therefore Hope and trust Your Lordship will view his Conduct on this Occasion in the Same Light I do, and that Your Lordship will pass Such Censure on it, as it May Appear to Merit. Herewith I do Myself the Honor to transmit to Your Lordship Copy of a Letter, dated 30th of April last, which I lately received from Lieut. Governor Davey on the subject of his having Declared Martial Law,

Censure of
Davey for
making
proclamation.

* Note 123.

1815.
24 June.

Neglect of
orders by
Davey.

Importation
of spirits
sanctioned
by Davey.

Contract for
purchase of
wheat at
Hobart.

Proposed
removal of
Davey from
his command.

Probable
partial failure
of harvest.

together with Copy of the proclamation he Issued on that Occasion. I am sorry to be Compelled to add that this is Not the only Instance, in which Lieut. Governor Davey has Manifested a Disregard to My Orders and Instructions, only obeying Such as his own Whim or Caprice dictates. I have had frequent Occasion to Admonish him on his Acts of Disobedience of My Orders and Non Compliance with my Instructions; but All my Admonitions have hitherto proved Unavailing in bringing him to a proper Sense of his Duty. Altho' it is particularly Specified in his Instructions that he is not to Make, or enter into, any Contract whatever on the part of Government; Yet he has done so in Several Instances to the Manifest Injury of the Crown. Some time ago he granted permission to a Capt. Murray, Commanding the Eliza, India-Country Ship, to Import Eleven thousand Gallons of Spirits from Bengal to the Derwent, without my Knowledge or Sanction and during the Existence of the General Hospital Contract, which placed me in a very Embarrassing Situation* in respect to So Notorious a Breach of that Contract. He has also very lately entered into a Contract with a Mr. Edward Lord at the Derwent for Supplying the Government Stores there with a Certain Quantity of Wheat at the rate of twelve Shillings per Bushel, whilst I only pay ten Shillings per Bushel for what is purchased for Government at Port Jackson. These Instances are Sufficient to prove the total Inattention and Disregard of Lieut. Governor Davey to my Orders and Instructions, and I hope will Also be deemed Sufficient to Induce Your Lordship either to relieve me entirely from the Responsibility of the Expenditures and Affairs of Van Diemen's Land, or to remove Lieut. Governor Davey immediately from the Command of that Island, and to Appoint Some other Person, better Qualified for so Important a Command, and who will pay more Attention to the Orders and Instructions of the Governor in Chief. Indeed I feel it my Duty to state distinctly and Unreservedly My Opinion that the Settlements in Van Diemen's Land Can never Improve under the Administration of Lieut. Governor Davey, No Man being more Unfit for so arduous and important a Situation; and therefore the Sooner he is entirely removed from it the better.

7. I am Concerned to Inform Your Lordship that the Harvest of this present Year is not likely to prove abundant, Notwithstanding that More Wheat has been Sown and Ground Cultivated for other Grains than in any former Years; but the unusually long Continued Droughts, which have for the last twelve Months prevailed over every part of the Colony, have Checked Vegetation, and destroyed a great part of the Seed put in the Ground,

* Note 124.

1815.
24 June.

Rainfall.

Wheat to be
imported from
Bengal.Prospects
of harvest in
Tasmania.Visit to
Bathurst plains.Report on
country
inspected.

and thus rendered Abortive the Labours and best Hopes of our Husbandmen. Formerly the great Dread of the Farmer was too much Rain; but of late Years there has been Almost a Continued Drought with the Exception of Occasional Slight Showers. For a few days past, however, we have had some refreshing Showers, which are expected to render Infinite Service to the Crops, now in the Ground; but, as this Harvest Cannot be so far retrieved at this late period by any Moisture, which may now take place, as to render it Sufficiently Abundant for the Demands of the Year, it is My Intention to write to Bengal by the first Opportunity for a Supply of Wheat for the Use of this Government, in order to guard against the probable Deficiency of our own Crops.

I understand there is at present every Appearance of an abundant Harvest at the two Settlements in Van Diemen's Land, and they had also a very abundant one last Year, that Country being regularly visited by refreshing Showers of Rain sufficient for All the purposes of Life. The Quantity of Wheat, raised hitherto at those Settlements, is not however Much More than Sufficient for the Consumption of their Inhabitants and those Persons Victualled at the Expence of the Crown. Very little therefore Can be Exported Yet from those Settlements to Port Jackson for the Use of this part of the Territory on occasions of Failures of the Crops here.

8. In pursuance of the Intention expressed in My Dispatch of 24th March last to Your Lordship, I set out on my Tour of Inspection* to the New discovered Country to the Westward of the Blue Mountains on the 25th of April, returning again to Sydney on the 19th of last Month. The New Country fully equalled My Expectations in point of Extent and Fertility of Soil for Cultivation and Pasturage, being extremely well watered throughout, and possessing Many other requisite Capabilities and Advantages for Settlers. For further Particulars respecting the Nature, Extent, and General Appearance of this New Country, I take the Liberty to refer Your Lordship to the Accompanying Printed Report of my Tour, which I had published in the *Sydney Gazette* for the Information of the Public (whose Curiosity was all alive on the Subject), soon after my Return hither. I also do myself the Honor to transmit herewith for Your Lordship's further Information, Along with the printed Copy of my Tour, A Chart of the Country I travelled over nearly Extending to the Termination of Mr. Evans's first Tour.

From the perusal of the Tour and Reference to the Map, Your Lordship will be Able to form a tolerably Correct Estimate of the Value of this Country, which Must be Allowed to be a very

1815.
24 June.

The western
road.

Commendation
of services of
William Cox.

Proposed
remuneration
for Cox.

No grants to be
made pending
instructions.

Military and
convicts
stationed at
Bathurst.

Experimental
agriculture
at Bathurst.

great Acquisition to this Colony, In as much as it furnishes an Outlet for the Increase and Redundancy of its population for a Century to Come.

9. The Road,* made by Mr. Cox from the left Bank of the River Nepean to Bathurst, Measuring Upwards of 101 Miles, is as good as the Nature of the Mountainous hilly Country, thro' which it is made, Could possibly Admit, and is now perfectly accessible, Not only for Cattle, but also for All Descriptions of Wheel Carriages; as a Proof of this, I need only Mention that I took my own Post Chaise with me the Whole of the Way from Sydney to Mount Pleasant, being a Distance of 148 Miles. The Road, thus Constructed by Mr. Cox, does him and the Party, who worked under his Direction, Infinite Credit, due Consideration being given to the extraordinary Difficulties they had to Surmount, and to the Short period of Time in which they Completed it, Six Months only being employed upon it from the Commencement.

I Cannot therefore too highly Appreciate the Merits and Services of Mr. Cox on this Occasion, feeling Confident that there is not at present any Gentleman in this Colony equal to the Accomplishment of Such a Work in so Short a time. I therefore beg Leave to recommend Mr. Cox in the Strongest Manner to the favorable Consideration of Your Lordship, and to Submit that I may be Authorized to make him a pecuniary Remuneration for his Services by paying him the Sum of Three Hundred Pounds from the Colonial Funds, and also to give him a handsome Grant of Land in the New Country, to which he has opened so good a Passage, as a further Reward for his Important Services.

10. I shall not make any Grants of Land in the New discovered Country, Until such time as I shall be Honored with Your Lordship's Commands upon this very important Subject, Not feeling myself at liberty to put Government to any Considerable Expence in Sending Settlers to it without Authority from Home. The only Expence, at present Incurred by Government on Account of the Country in Question, is in Supplying and Sending Provisions to Six Soldiers and Six labouring Men, Stationed at Bathurst, and three Soldiers at an Intermediate Post† on the Blue Mountains, to keep the Communication with Bathurst open, and to prevent Run away Convicts and other Idle Persons from going into the New Country.

My Motive for leaving 6 labouring Men at Bathurst was to Cultivate about twelve Acres of Ground there this present Season and to Sow Wheat therein, as an Experiment and in Order to Ascertain the Capability and Quality of the Soil before any

* Note 42.

† Note 126.

permanent Settlers should be Sent thither. Thus Your Lordship will Observe the Expence of the present Establishment in that Country is very trifling.

1815.
24 June.

11. As Your Lordship may possibly Expect that I should Submit some Plan for Settling the New discovered Country, I shall do so According to the best of my Judgment, leaving it to Your Lordship to adopt the whole or any part, as You may deem Expedient.

Plan for
settling the
new country.

First.—The Expence of Victualling any Considerable Number of Settlers at so great a distance from the Seat of Government must for the first two Years be very great, as the Provisions must be transported for 140 Miles for their Use. I would therefore propose that the Number of Settlers, to get Lands there at the first Outset, should be limited to *Fifty*, particularly Selected as Sober, Industrious Men, with Small Families, from the Middling Class of Free People, and that each Should receive from fifty to One Hundred Acres of Land, According to the Number of his family; All to be Victualled at the Expence of Government for Eighteen Months.

Conditions
proposed for
first settlers :

Second.—That no more Settlers, experiencing the same Indulgence or being Victualled at the Expence of Government, shall be permitted to reside there for two Years after the first fifty go thither; but, at the Expiration of that Period, that one Hundred Additional Settlers of the Same Class of People may be permitted to proceed thither with Grants of Land, proportioned to the Extent of their Families, in the same Way as the former Settlers; but only to be Victualled at the Expence of the Crown for Six Months, this Distinction being made on the Presumption that they Can then Maintain themselves by purchasing Grain and Animal Food from the Original Settlers.

and for second
detachment
of settlers.

Third.—That Settlers of the first Class (that is Gentlemen who are Supposed to be possessed of Sufficient Property to maintain themselves), who may be desirous of receiving Grants of Land in the New Country, shall receive Lands only and no other Indulgence from Government; as the principal Objects of Settlers of the Upper Class have been heretofore, and will probably Continue, generally Confined to Grazing of Cattle without any Regard to Cultivation for Increasing the Resources of the New Country.

Land grants to
self-supporting
settlers.

Fourth.—That the Whole of the Lands, on both Sides of the Macquarie River in the immediate Vicinity of the Site marked out for the Town of Bathurst, shall be exclusively reserved for what are Commonly Called the Small Settlers, or the Middling Class of the Industrious part of the people, who may have obtained their Freedom, or who may have Come out Originally

Reservation
of land near
Bathurst for
small settlers.

1815.
24 June.

Abundance of
grazing land.

Proposed
appointment of
a commandant
at Bathurst.

Recommend-
ation of
William Cox
for the post.

Office of
commandant
to be abolished
in three years.

G. W. Evans
sent on exploring
expedition.

Free to the Colony. No Settler receiving in that particular part of the Country more than One Hundred Acres of Land, fit for Cultivation, the whole of the Land in the immediate Vicinity of Bathurst being of that Description on both Sides of the River. There is Abundance of as fine Grazing Land as any in the World within five or Six Miles of Bathurst, Where Gentlemen, or the Upper Class of Settlers and great Graziers, may receive Grants of Land, in Case His Majesty's Government should approve of giving Persons of that Description extensive Grants in the New Country.

Fifth.—As the Distance of the New discovered Country is so great from the Seat of this Government, it will not be possible for the Governor to Visit it frequently, or to Superintend the Improvements and Police of it. I therefore respectfully Submit to Your Lordship's Consideration that I should be Authorized to Appoint a fit and properly qualified Person to act as Commandant of it, Commencing from the Period at which Persons may be permitted to become permanent Settlers there; and that he shall be paid an annual Salary of at least Two Hundred Pounds from the Colonial Police Fund, receiving his Instructions from the Governor in Chief, and removeable by Him in Case of Misconduct, and the Person so to be appointed to be a Civilian.

For this Office, I beg leave most respectfully to recommend William Cox, Esqr., he being in My Opinion eminently well qualified for Such a Situation. Mr. Cox is a Sensible, intelligent Man, of great Arrangement, and the best Agriculturist in this Colony. He is, besides, well acquainted with My Plans for the Settling and Improving this New Country and turning it to the Advantage of Government at the least possible Expence. I therefore Earnestly Solicit I may be Authorized by Your Lordship to Appoint Mr. Cox to be Commandant of the New discovered Country, in Case Your Lordship should Approve of My sending Settlers thither. I am Convinced Mr. Cox will give Satisfaction in this Situation, and I do not know any other Man in the Colony half so fit for it.

This Appointment will only be essentially Necessary for the first two or three Years, After the Country is Settled and Convenient Contiguous Places laid out for Townships. At the Expiration of three Years, the Office of Commandant may with Safety be entirely Abolished, and the Management of the New Country left to the Ordinary Magistrates and Peace Officers.

12. On my leaving Bathurst, I sent Mr. George William Evans, the Deputy Surveyor (the original Discoverer of the New Country), on another Tour of Discovery* to explore the Country for One Hundred Miles to the South west of Bathurst, having

Reason to Suppose that the Land in that Direction was good and the Country Accessible, and being Also in hopes that he might fall in again in that Direction with the Macquarie River, it not proving Navigable, as was at first expected, from Bathurst.

1815.
24 June.

I sent 3 Men and 6 weeks Provisions with Mr. Evans, and I now expect him back very soon from his Tour; in the Course of which, I trust he will make some important Discoveries; the Result of this Tour I shall not fail to make Your Lordship acquainted with in my Next Dispatch.

Men and provisions sent with Evans.

13. I have to report to Your Lordship that, on his Making an Application to me to that Effect, I granted Leave of Absence to the Revd. Samuel Marsden, the principal Chaplain of this Colony, to visit the Islands of New Zealand, for the purpose of Establishing some Missionaries there, in Consequence of Orders he had received from the Church Missionary Society in England to that Effect. Mr. Marsden Sailed from hence in the Brig, Active, on the 28th Novr., 1814, and returned hither on the 23d of March last, bringing with him several Chiefs from New Zealand, who had expressed a wish to visit Port Jackson. I gave each of these Chiefs a Dress, some live Stock, and a few other Articles, as Presents on the part of Government, of which Your Lordship I hope will approve, it being my wish to Conciliate them to the British Interests. Mr. Marsden speaks in high Terms of the kind Treatment he met with at New Zealand, and of the improved State of Civilization of the Natives of that Country. Having directed Mr. Marsden to make a Report to me of his Observations during his Residence at New Zealand, he has done so Accordingly; and I now do Myself the Honor to transmit herewith a Copy of his Report for Your Lordship's further Information.

Visit of Rev. S. Marsden to New Zealand.

14. Some time since I received an application from certain Merchants at Sydney for permission to Establish a Factory at New Zealand, and to form themselves into a Commercial Company there to the Exclusion of all other Traders; this I declined granting, Conceiving the latter part of their Request Unreasonable; but I Consented to forward their Memorial Home for Your Lordship's favorable Consideration, which I have now the Honor of doing Accordingly. I do not see that there Can be any Objection to these Gentlemen being Allowed to establish a Factory at their own Expence in New Zealand, with the permission of the Native Chiefs; but I Conceive they ought Not to have any exclusive Trade, and I should not recommend that Government Should be put to any Expence on Account of the proposed Establishment.

Petition from merchants *re* establishment of a factory in New Zealand.

15. Having been so often disappointed in Obtaining a good Conveyance, on reasonable Terms on any of the India Ships,

1815.
24 June.

Detachments of
73rd regiment
sent to Ceylon.

trading to this Port, for sending the whole of the Detachment left here of the 73rd Regiment by One Opportunity, I have been under the necessity of Sending them in two different Divisions to Ceylon. I sent the first, under the Command of Captain Glenholme, in the India Ship, General Brown, in December last, as already reported to Your Lordship in my Dispatch of the 24th of March of the present Year, and His Majesty's Colonial Brig, Kangaroo, being Idle here, I dispatched her on the 19th of April last with the Remainder of the Detachment, with Orders to her Commander, Lieut. Jeffreys, to return again to Port Jackson with the least possible Delay after he had Landed with Troops. The Detachment, thus Sent in the Kangaroo, Consisted of 2 Subaltern Officers, 38 Soldiers, 19 Women, and 45 Children, under the Command of Lieut. Thomas Skottowe of the same Corps.

Disobedience
of orders by
lieutenant
Jeffreys.

16. I am Sorry to be Under the disagreeable Necessity of reporting to Your Lordship the highly improper and Unjustifiable Conduct of Lieut. Jeffreys, the Commander of His Majesty's Colonial Brig Kangaroo, on his late Departure from this Port, in being Guilty of a wilful and premeditated Disobedience of My Orders in the following Instance, Namely:—Having been Informed from Unquestionable Authority that the great Delays made by Lieut. Jeffreys in his first Attempt last Year to get to Van Diemen's Land, and in the second One, in which he Succeeded, were principally Owing to his Wife, whom he had on board on both Voyages, and thro' whose Influence and Caprice he was induced to remain so long in every Creek and Harbour, he touched at on this Coast, I Could not but Consider it as highly Injurious to the Public Service to Allow her to Accompany her Husband to Sea any longer, the More Especially as her doing so is not only Contrary to the long established Rules of the Royal Navy, but also Contrary to his own printed Instructions from the Commissioners of the Transport Board. I therefore Deemed it Adviseable, for the Good of His Majesty's Service, to Send positive written Orders to Lieut. Jeffreys, not to take his Wife to Sea with him on the Voyage, he was then About to Undertake for the Island of Ceylon. I took it of Course for granted that he would not dare to disobey this Order, which was So clear and positive, as Not to Admit of Any Misconstruction. I was Consequently Not a little Surprized on being Informed by the Naval Officer, on his Return from Seeing the Kangaroo Clear of the Heads of Port Jackson, that he had taken his Wife to Sea with him.

I have Already had Occasion to write* to Your Lordship respecting the dilatory Conduct of Lieutenant Jeffreys in making his

* Note 123.

last Voyage to Van Diemen's Land, as well as respecting the Very great Expence of the Brig Kangaroo to Government, and her Unfitness for the Service of this Colony. Under this Conviction, and in Consequence of this Officer daring to disobey My positive Orders in the Instance Above Alluded to, as well as on Account of his being a very Unfit Person to Command that Vessel, it is my present Intention to relieve the Government of Such heavy Useless Expence by sending Home the Kangaroo to England, soon after her Return to this Port from Ceylon; and I Indulge a Hope that Your Lordship will Approve of My taking this Step.

1815.
24 June.

Reasons for
decision to
send the brig
Kangaroo
to England.

17. Lieut. Forster, Commander of His Majesty's Colonial Brig Emu (which Arrived here from England on the 12th of March last), having Soon after his Arrival reported to me that the greater part of the Upper Works of that Vessel were in a Very decayed State, I Ordered a Competent Committee of Ship Wrights, and experienced Commanders of Vessels then in this Harbour, to Survey and Inspect Minutely both the Inside and Outside Works of the Brig Emu. They did so Accordingly; and I am now Concerned to Inform Your Lordship that the Committee of Survey have reported her Unfit for Service, but that, after Undergoing some temporary Repairs, She might with Safety be Sent back to England to be disposed of there, as Government might think fit. Herewith I do myself the Honor to transmit for Your Lordship's further Information Copy of the Report of the Committee of Survey held on the Brig Emu.

Survey and
condemnation of
the brig Emu.

It is accordingly My Intention to send Home the Brig Emu to England in January next, that being the Season preferred, and Chosen by Lieut. Forster himself, as Most likely to Insure his Making a Safe and Expeditious Passage. I have not been Able to employ the Brig Emu on any Colonial Service whatever, since her Arrival here from England in March last, that Vessel being Most of the time Undergoing Various Repairs here. Those Repairs, however, being now Very Nearly Completed, I shall be Able to send her in about a fortnight hence with Stores and a Small re-inforcement of Troops for the two Settlements in Van Diemen's Land. In Justice to Lieut. Forster, Commander of the Emu, I Cannot omit on this Occasion to express to Your Lordship my high Opinion of him. He appears to me to be a gentlemanly, Sensible, well-Informed, Young Man, and a Very Intelligent. Active Officer; but, Altho' I think so highly of him, I am decidedly of Opinion that None of the Government Vessels, intended for the Service of this Colony, should be Commanded by Officers, who have Obtained the Rank of Lieutenants in the Royal Navy.

The brig Emu
to sail in
January.

Troops to
be sent to
Tasmania.

Commendation
of lieutenant
Forster.

1815.
24 June.

Detachment of
troops sent to
Madras.

Cost of
transport.

Indents of
convicts on
the transport
General Hewitt.

Death of
Augustus Alt.

Death of
Matthew
Bowden.

Appointments
of Hopley *vice*
Bowden,

and of Younge
vice Hopley.

18. It being Necessary to Send on, from hence to India, the Small Detachments of the 1st, 80th, 84th, and 86th Regiments, which Arrived here as a Guard over the Male Convicts on board the Indefatigable Transport on the 25th of April last, I availed Myself of an opportunity, which Occurred lately, to send them to join their respective Corps in India on board the private Merchant Ship, Frederick, of Calcutta, the Commander of which Ship engaged to Land them at Madras. The Number embarked Consisted of one Subaltern Officer, 38 Soldiers, 3 Women and one Child, the Terms (which were the lowest that Could be obtained) agreed on with the Commander of the Frederick, were that Government should pay £9 Sterling for the passage of each Man and woman, and £5 Sterlg. for the Child, The Government also furnishing Provisions, Water, Water Casks, and Fuel for the Troops for the Voyage. This Ship Sailed with these Detachments on the 11th of the present Month. For the Amount of their passage Money, I authorized the Deputy Comm'y General to Draw a Set of Bills on the Lords of the Treasury, of which I Conclude Your Lordship will Approve.

19. No Indents of the Male Convicts, Sent out in the Ship General Hewitt, Commanded by Capt'n. Earl, and which Arrived here from England on the 7th of February, 1814, having ever been received, I deem it My Duty to Apprise Your Lordship thereof, in Order that Directions may be given by Your Lordship to the proper Office to Send out those Indents by the earliest Opportunity.

20. I have the Honor to report to Your Lordship that on the 9th of January last, Mr. Augustus Alt, formerly Surveyor General of this Colony, died at Parramatta at an advanced Age. Mr. Alt had a Pension from Government, which of Course now Ceases.

21. I have also the Honor to report to Your Lordship the Death of Mr. Matthew Bowden, Surgeon on the Civil Medical Establishment at Hobart Town in Van Diemen's Land, which took place on the 24th of October last. I have Appointed Senior Assistant Surgeon Willm. Hopley at that Settlement to act as Surgeon in Room of Surgeon Bowden, Until the Pleasure of His Royal Highness the Prince Regent shall be known. In Consequence of the Promotion of Mr. Hopley, there is now no Assistant Surgeon at Hobart Town. I therefore Intend to remove Assistant Surgeon Henry St. John Younge from hence to Hobart Town to Supply that Vacancy, Authorizing him to Draw the Pay of first Assistant Surgeon on that Establishment from the Date of Mr. Hopley's Promotion, which I hope Your Lordship will Approve.

22. Exclusive of the Several Documents already referred to in this Dispatch I have now the Honor to transmit Your Lordship the following Returns, Reports and accounts, Including the Annual Musterly Statement of the Colony for the last Year.

1815.
24 June.

Returns, reports
and accounts
transmitted.

First.—The Accounts Current of the Expences of the Colony, from 25 August, 1814, to 24th April, 1815, Inclusive.

Second.—Lists of Bills, drawn by the Depy. Commissary General on the Lords of the Treasury and Colonial Agent from 25 Augt., 1814, to 24th April, 1815, Inclusive.

3d.—A Statement and Return of Provisions remaining in H.M. Stores on 24th April, 1815.

4th.—A Demand for the Annual Supplies of Stores, Slop Clothing, Ordnance, Naval and Military Stores for the Use of the Colony.

5th.—Reports of the Naval Officer, Containing the Arrivals and Departures of Ships and Vessels, from the 1st July, 1814, to the 31st March, 1815, Inclusive, together with the Account of Duties Collected by him within the Same Period.

6th.—The Account of the Colonial Police Fund from 1st July, 1814, to 31st March, 1815, Inclusive.

7th.—Report of Prisoners tried by the Criminal Court at Sydney from the 1st of October, 1814, to 1st of June, 1815, Inclusive.

8th.—A Return of the Names of Male and female Convicts, Arrived in the Colony from England and Ireland, from the 1st of July to the 31st December, 1814, Inclusive.

9th.—A Return of Marriages, Births, and Deaths, in the Colony from the 1st of July to the 31st December, 1814, Inclusive.

10th.—Return of Names, etc., of Persons holding Civil and Military Offices in the Colony of New South Wales, on the 1st of June, 1815.

23. The Tools for Carpenters and other Mechanics, the Implements of Husbandry, and the Steel sent out from England on Account of Government for the Use of this Colony for the last two Years, have been of a Very Inferior Quality, and many of the Tools and Implements totally Useless, being Very badly tempered. I therefore Most respectfully request Your Lordship will be pleased to Direct Orders to be given to the Persons, who Usually furnish those Articles for Government, to be More Attentive in future in Sending those Supplies of the best Quality.

The quality
of tools and
implements
shipped to the
colony.

24. I entrust this Dispatch for Your Lordship to the Care of Captain John Wilkinson, Commander of the Ship Sydney Packet, who has promised to take the greatest Care of it. I have given Captain Wilkinson Instructions to forward them to London

Transmission
of despatch.

1815.
24 June.

from the first Port, he may happen to touch at in England, through the Post Master, taking his Receipt for the Same.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

Sir, Government House, Hobart Town, 30th April, 1815.

Transmission
of despatch.

By the Eliza, Captn. Murray, who arrived here on the 13th Instant from Bengal, via the Isle of France, and who proceeds to Sydney to-morrow Morning, I avail myself the Opportunity to acknowledge the Receipt of Your Excellency's Dispatch* under date the thirteenth of March last, together with the several other papers therewith transmitted.

Failure
to suppress
bushranging.

Your Excellency will, I have no doubt, learn with Sentiments of Regret, equal to those which I entertain, that notwithstanding every Effort has been made to tranquilize the Settlements on this Island by restoring to a peaceable Demeanor those lawless Bandittis of Ruffians, who have for such a Length of time past been leading a Life of Rapine and Plunder, the measures, which have been adopted towards that end, have not only proved fruitless and unavailing, but that those Atrocious Miscreants have now broken out in the most desperate Acts of Murder; Your Excellency will Observe, on Reference to the Coroner's Inquest held on the body of the deceased Charles Carlisle, as well as the Depositions* taken thereupon, what an alarming Aspect the Affairs in this Island have Assumed, owing to the Absence of a Criminal Court, and that it has become my bounden and Indispensable Duty to adopt the only Alternative in my power to supply that Deficiency, vizt. In the Proclaiming of Martial Law, which I have Accordingly done, and have now the Honor to accompany Your Excellency a Copy of my Proclamation thereupon. I feel fully sensible of the temporary Restrictions and Inconveniences, which must naturally be felt from the Adoption of this Measure, but on the other hand I entertain the most sanguine Hopes that it will be a Remedy for the Correction of those dreadful Calamities, which have so long Afflicted the peaceable and well disposed Inhabitants living under my Protection, and, as Mr. Bent most justly Observes, "threatening a general and ruinous Disorder." I have Attentively perused the Suggestions of that learned Gentleman, and it has afforded me the highest Gratification to find that the Measures, which I have hitherto put in force, appear to be so perfectly in Unison with those which he recommends.

Proclamation
of martial law.

I am in daily Expectation of Major McKenzie and Lieut. Skelton from Port Dalrymple, who I have ordered over for the

* Note 129.

purpose of Sitting as Members upon a General Court Martial, which I shall forthwith Assemble at Hobart Town for the Trial of all such Persons as may be brought before it, accused of the Several Crimes Specified in the Proclamation, and shall proceed to Carry into Effect the Sentences thereof in the most Summary Manner. I Conceive Myself fully Warranted in this Procedure by the Fourth Article of the twenty fourth Section of the Articles of War; but, even were that not in Existence, I should deem the urgent Necessity of the Case and the evident Utility of the Measure a sufficient Cause for the Expedient, and I have to express an anxious Hope that my Conduct upon this occasion will meet with Your Excellency's most Cordial Sanction and Support.

1815.
24 June.
Court martial
to be assembled
at Hobart.

By the Cochin, which Vessel will sail hence on Wednesday Morning, I shall write to Your Excellency very fully and take that opportunity to transmit the public Report and Statements from both the Settlements for the last Quarter.

Further
reports to be
transmitted.

It becomes Necessary that I should Inform Your Excellency of my having purchased One thousand Gallons of Spirits from Captn. Murray for the Use of the Settlements under my Command at ten Shillings per Gallon, three Hundred of which I have sent to Port Dalrymple, and have retained the Remainder for the use of this Settlement. I have thought it adviseable to make this purchase to prevent my being obliged hereafter to give an extortionate retail price to the Dealers on Donation Days, which has heretofore often been the Case; and Your Excellency may rest assured I will adhere rigidly to Your Instructions as to not making Issues from His Majesty's Stores hereafter.

Purchase
of spirits.

I now transmit to Your Excellency the form of the Warrant,* under which the Parties, who have been sent in pursuit of the Bush Rangers, have always Acted, and which I hope will meet Your Excellency's Approbation.

I have, &c.,

T. DAVEY, Lt.-Govr.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

PROCLAMATION.

BY His Honor Thomas Davey, Esq., Lieut.-Governor of His Majesty's Settlements in Van Dieman's Land, and Lieut. Colonel of the Royal Marine Forces, &c., &c., &c.

Proclamation
of martial law
in Tasmania
by lieutenant-
governor Davey.

WHEREAS most atrocious Outrages and Robberies have been Committed in this Island for a considerable time past by Bandittis of Run-a-way Felons and other Persons; and notwithstanding every exertion has been made for their effectual Suppression, they have hitherto escaped Justice, and have at length broken out in the

1815.
24 June.

Proclamation
of martial law
in Tasmania
by Lieutenant-
governor Davey.

most wanton and daring Acts of Murder; His Honor Lieutenant Governor Davey, taking into his Serious and mature consideration the alarming state of His Majesty's Settlements intrusted to his care, and wishing to arrest the progress of those distressing Calamities, to which the peaceable and loyal Inhabitants thereof are exposed in the Absence of Courts Competent to Try Capital Offences, is pleased to Order and Declare, and does by these Presents, Notify and Declare that Martial Law is Established in this Island, and that a General Court Martial will be forthwith assembled for the Trial of any such Persons as may be brought before it accused of Wilful Murder, Theft, Robbery, Rape, Coining, or Clipping the Coin of Great Britain or Ireland, or of having used any Violence or Committed any Offence against the Persons or Property of any of His Majesty's peaceable and loyal Subjects, or any others Entitled to the Protection of His Majesty within this Island: And the Persons so Accused, if found Guilty, shall suffer Death or such other Punishment according to the nature and Degree of their respective Offences, as by the Sentence of such General Court Martial shall be awarded. And it is hereby further Notified and Declared that Martial Law shall Continue to be in full force until it shall have been repealed by Public Proclamation.

Given under my Hand at Government House, Hobart Town,
the twenty fifth day of April, in the Fifty-fifth Year of
the Reign of our Sovereign Lord George the Third, and
in the year of Our Lord One thousand Eight Hundred
and fifteen. THOMAS DAVEY.

God Save the King!

By Command of His Honor The Lieutenant-Governor,
T. A. LASCELLES, Secretary.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.*

Government House, Sydney, 10th June, 1815.

THE Governor desires to communicate, for the information of the public, the result of his late tour over the Western or Blue Mountains, undertaken for the purpose of being enabled personally to appreciate the importance of the Tract of Country lying Westward of them, which had been explored in the latter end of the year, 1813, and the beginning of 1814, by Mr. G. W. Evans, Deputy Surveyor of Lands.

To those, who know how very limited a tract of country has been hitherto occupied by the colonists of New South Wales, extending along the eastern coast, to the north and south of Port

General orders
announcing
result of
Macquarie's
tour.

Jackson, only 80 miles, and westward about 40 miles to the foot of the chain of mountains in the interior, which forms its western boundary, it must be a matter of astonishment and regret that amongst so large a population no one appeared, within the first 25 years of the establishment of this settlement, possessed of sufficient energy of mind to induce him fully to explore a passage over these mountains; but, when it is considered that, for the greater part of that time, even this circumscribed portion of country afforded sufficient produce for the wants of the people, whilst on the other hand the whole surface of the country beyond those limits was a thick, and in many places nearly an impenetrable, forest, the surprise at the want of effort to surmount such difficulties must abate very considerably.

The records of the Colony only afford two instances* of any bold attempt, having been made to discover the country to the westward of the Blue Mountains. The first was by Mr. Bass, and the other by Mr. Cayley; and both ended in disappointment; a circumstance, which will not be much wondered at by those, who have lately crossed those mountains.

To G. Blaxland and W. Wentworth, Esqs. and Lieutenant Lawson, of the Royal Veteran Company, the merit is due of having, with extraordinary patience and much fatigue, effected the first passage† over the most rugged and difficult part of the Blue Mountains.

The Governor, being strongly impressed with the importance of the object, had early after his arrival in this colony, formed the resolution of encouraging the attempt to find a passage to the Western Country, and willingly availed himself of the facilities, which the discoveries of these three gentlemen afforded him. Accordingly on the 20th of November, 1813, he entrusted the accomplishment of this object to Mr. G. W. Evans, Deputy Surveyor of Lands, the result of whose journey was laid before the public‡ through the medium of the *Sydney Gazette* on the 12th of Feb., 1814.

The favourable account, given by Mr. Evans of the country he had explored, induced the Governor to cause a road to be constructed for the passage and conveyance of cattle and provisions to the interior; and men of good character, from amongst a number of convicts who had volunteered their services, were selected to perform this arduous work, on condition of being fed and clothed during the continuance of their labour, and being granted emancipation, as their final reward, on the completion of the work.

The direction and superintendence of this great work was entrusted to W. Cox, Esq., the chief magistrate at Windsor; and

1815.
24 June.

Delay in
discovering
passage across
the Blue
Mountains.

Attempts made
by Bass and
Caley.

First passage
accomplished
by Blaxland,
Wentworth,
and Lawson.

Explorations of
G. W. Evans.

Construction of
western road.

* Note 130.

† Note 131.

‡ Note 132.

1815.
24 June.

Services of
William Cox.

to the astonishment of every one, who knows what was to be encountered and sees what has been done, he effected its completion in six months from the time of its commencement, happily without the loss of a man or any serious accident. The Governor is at a loss to appreciate fully the services rendered by Mr. Cox to this colony in the execution of this arduous work, which promises to be of the greatest public utility by opening a new source of wealth to the industrious and enterprising. When it is considered that Mr. Cox voluntarily relinquished the comforts of his own house and the society of his numerous family, and exposed himself to much personal fatigue with only such temporary covering, as a bark hut could afford, from the inclemency of the season, it is difficult to express the sentiments of approbation to which such privations and services are entitled.

Commencement
of Macquarie's
tour.

Mr. Cox having reported the road as completed on the 21st of January, the Governor, accompanied by Mrs. Macquarie and that gentleman, commenced his tour on the 25th of April over the Blue Mountains, and was joined by Sir J. Jamison at the Nepean, who accompanied him during the entire tour.

Members of
governor's
party.

The following gentlemen composed the Governor's suite:—Mr. Campbell, secretary; Captain Antill, major of brigade; Lieutenant Watts, aide-de-camp; Mr. Redfern, assistant surgeon; Mr. Oxley, surveyor-general; and Mr. G. W. Evans, deputy surveyor of lands, who had been sent forward for the purpose of making further discoveries and rejoined the party on the day of arrival at Bathurst plains.

Ascent from
Emu plains to
Springwood.

The commencement of the ascent from Emu Plains to the first depot, and thence to a resting place, now called "Spring Wood," distant 12 miles from Emu Ford, was through a very handsome open forest of lofty trees, and much more practicable and easy than was expected. The facility of the ascent for this distance excited surprise, and is certainly not well calculated to give the traveller a just idea of the difficulties he has afterwards to encounter. At the further distance of 4 miles, a sudden change is perceived in the appearance of the timber and the quality of the soil, the former becoming stunted, and the latter barren and rocky. At this place, the fatigues of the journey may be said to commence. Here the country became altogether mountainous and extremely rugged. Near the 18th mile mark (it is observed that the measure commences from Emu Ford) a pile of stones attracted attention; it is close to the line of the road on the top of a rugged and abrupt ascent, and is supposed to have been placed there by Mr. Cayley, as the extreme limit of his tour; hence the Governor gave that part of the mountain the name of "Cayley's Repulse." To have penetrated even so far was at that time an effort of no

"Caley's
repulse."

small difficulty. From hence, forward to the 26th mile, is a succession of steep and rugged hills, some of which are almost so abrupt as to deny a passage altogether; but at this place an extensive plain is arrived at, which constitutes the summit of the Western Mountain; and from thence a most extensive and beautiful prospect presents itself on all sides to the eye. The town of Windsor, the river Hawkesbury, Prospect Hill, and other objects within that part of the colony now inhabited, of equal interest, are distinctly seen from hence. The majestic grandeur of the situation, combined with the various objects to be seen from this place, induced the Governor to give it the appellation of "The King's Table Land."

1815.
24 June.

From Linden to
King's Table
Land.

On the S.W. side of the King's Table Land, the mountain terminates in abrupt precipices of immense depth; at the bottom of which is seen a glen as romantically beautiful as can be imagined, bounded on the further side by mountains of great magnitude, terminating equally abruptly as the others, and the whole thickly covered with timber. The length of this picturesque and remarkable tract of country is about 24 miles, to which the Governor gave the name of "The Prince Regent's Glen." Proceeding hence to the 33d mile on the top of a hill, an opening presents itself on the S.W. side of the Prince Regent's Glen from whence a view is obtained particularly beautiful and grand. Mountains rising beyond mountains, with stupendous masses of rock in the foreground, here strike the eye with admiration and astonishment. The circular form, in which the whole is so wonderfully disposed, induced the Governor to give the name of "Pitt's Amphitheatre," in honour of the late Right Hon. Wm. Pitt, to this first branch from the Prince Regent's Glen. The road continues from hence for the space of 17 miles on the ridge of the mountain, which forms one side of the Prince Regent's Glen; and it suddenly terminates in nearly a perpendicular precipice of 676 feet high, as ascertained by measurement. The road constructed by Mr. Cox down this rugged and tremendous descent through all its windings is no less than three fourths of a mile in length, and has been executed with such skill and stability, as reflects much credit on him. The labour here undergone and the difficulties surmounted can only be appreciated by those who view the scene. In order to perpetuate the memory of Mr. Cox's services, the Governor deemed it a tribute justly due to him to give his name to this grand and extraordinary Pass, and he accordingly called it "Cox's Pass." Having descended into the valley at the bottom of this pass, the retrospective view of the overhanging mountain is much higher than those on either side of it; from whence it is distinguished at a considerable distance,

From King's
Table Land to
Mount York.

Description of
Cox's pass.

1815.
24 June.

Naming of
Mount York.

when approaching it from the interior, and in this point of view it has the appearance of a very high distinct hill, although it is in fact only the abrupt termination of a ridge. The Governor gave the name of "Mount York" to this termination of the ridge in honour of his Royal Highness the Duke of York.

The Vale
of Clwyd.

Naming of
Cox's river.

On descending Cox's Pass, the Governor was much gratified by the appearance of good pasture land, and soil fit for Cultivation, which was the first he had met with since the commencement of his tour. The valley at the base of Mount York, he called "the Vale of Clwyd" in consequence of the strong resemblance it bore to the vale of that name in North Wales. The grass in this vale is of a good quality and very abundant, and a rivulet of fine water runs along it from the eastward, which unites itself at the western extremity of the vale with another rivulet containing still more water. The junction of these two streams forms a very handsome river, now called by the Governor "Cox's River," which takes its course, as has been ascertained, through the Prince Regent's Glen, and empties itself into the River Nepean; and it is conjectured from the nature of the country, through which it passes, that it must be one of the principal causes of the floods, which have been occasionally felt on the low banks of the river Hawkesbury into which the Nepean discharges itself. The vale of Clwyd from the base of Mount York extends six miles in a westerly direction, and has its termination at Cox's River. West of this river the country again becomes hilly; but is generally open forest land and very good pasturage.

Site of
termination of
Blaxland's,
Lawson's, and
Wentworth's
journey.

Three miles to the Westward of the Vale of Clwyd, Messrs. Blaxland, Wentworth, and Lawson had formerly terminated their excursion; and when the various difficulties are considered, which they had to contend with, especially until they had effected the descent from Mount York, to which place they were obliged to pass through a thick brush wood, where they were under the necessity of cutting a passage for the baggage horses, the severity of which labour had seriously affected their healths, their patient endurance of such fatigue cannot fail to excite much surprise and admiration. In commemoration of their merits, three beautiful high hills, joining each other at the end of their tour at this place, have received their names in the following order, viz.: "Mount Blaxland," "Wentworth's Sugar Loaf," and "Lawson's Sugar Loaf." A range of very lofty hills and narrow vallies alternately form the tract of country from Cox's River for a distance of 16 miles, until the Fish River is arrived at; and the stage between these rivers is consequently very severe and oppressive on the cattle. To this Range, the Governor gave the name of "Clarence Hilly Range."

From Cox's to
Fish river.

Proceeding from the Fish River, and at a short distance from it, a very singular and beautiful mountain attracts the attention, its summits being crowned with a large and very extraordinary looking rock, nearly circular in form, which gives to the whole very much the appearance of a hill or fort, such as are frequent in India. To this lofty hill, Mr. Evans, who was the first European discoverer, gave the name of "Mount Evans." Passing on from hence, the country continues hilly, but affords a good pasturage, gradually improving to Sidmouth Valley, which is distant from the pass of the Fish River 12 miles. The land here is level, and the first met with unincumbered with timber; it is not of very considerable extent, but abounds with a great variety of herbs and plants, such as would probably highly interest and gratify the scientific botanists. This beautiful little valley runs north-west and south-east between hills of easy ascent, thinly covered with timber. Leaving Sidmouth Valley, the country becomes again hilly, and, in other respects, resembles very much the country to the eastward of the valley for some miles. Having reached Campbell River, distance 13 miles from Sidmouth Valley, the Governor was highly gratified by the appearance of the country, which there began to exhibit an open and extensive view of gently rising grounds and fertile plains. Judging from the height of the banks and its general width, the Campbell River must be on some occasions of very considerable magnitude; but the extraordinary drought, which has apparently prevailed on the western side of the mountains, equally as throughout this colony for the last three years, has reduced this river so much, that it may be more properly called a chain of pools than a running stream at the present time. In the reaches or pools of the Campbell River, the very curious animal called the Paradox, or Water-mole* is seen in great numbers. The soil on both banks is uncommonly rich, and the grass is consequently luxuriant. Two miles to the southward of the line of road which crosses the Campbell River, there is a very fine tract of low lands, which has been named Mitchell Plains. Flax was found growing in considerable quantities. The Fish River, which forms a junction with the Campbell River a few miles to the northward of the road and bridge over the latter, has also two very fertile plains on its banks, the one called O'Connell Plains, and the other Macquarie Plains, both of very considerable extent and capable of yielding all the necessaries of life.

1815.
24 June.

From Fish to
Campbell river.

Junction of
the Fish and
Campbell rivers.

At the distance of seven miles from the bridge over the Campbell River, Bathurst Plains open to the view, presenting a rich tract of campaign country of 11 miles in length, bounded on both sides by gently rising and very beautiful hills, thinly wooded.

Commencement
of Bathurst
plains.

* Note 90.

1815.
24 June.

The Macquarie
river.

Description of
Bathurst plains.

The Macquarie River, which is constituted by the junction of the Fish and Campbell River, takes a winding course through the plains, which can be easily traced from the high lands adjoining by the particular verdure of the trees on its banks, which are likewise the only trees throughout the extent of the plains. The level and clear surface of these plains gives them at first view very much the appearance of lands in a state of cultivation.

It is impossible to behold this grand scene without a feeling of admiration and surprise, whilst the silence and solitude, which reign in a space of such extent and beauty as seems designed by nature for the occupancy and comfort of man, create a degree of melancholy in the mind which may be more easily imagined than described.

Encampment on
the Macquarie
river.

The Governor and suite arrived at these plains on Thursday, the 4th of May, and encamped on the southern left bank of the Macquarie river; the situation being selected in consequence of its commanding a beautiful and extensive prospect for many miles in every direction around it. At this place, the Governor remained for a week, which time he occupied in making excursions in different directions through the adjoining country on both sides of the river.

Selection of site
of Bathurst.

On Sunday, the 7th of May, the Governor fixed on a site suitable for the erection of a town at some future period, to which he gave the name of "Bathurst," in honour of the present Secretary of State for the Colonies. The situation of Bathurst is elevated sufficiently beyond the reach of any floods which may occur, and it is at the same time so near to the river on its south bank, as to derive all the advantages of its clear and beautiful stream. The mechanics and settlers, of whatever description, who may be hereafter permitted to form permanent residences to themselves at this place, will have the highly important advantages of a rich and fertile soil, with a beautiful river flowing through it, for all the uses of man. The Governor must, however, add, that the hopes, which were once so sanguinely entertained of this river becoming navigable to the Western Sea, have ended in disappointment.

Impossibility of
navigating the
Macquarie river.

Excursions
around Bathurst.

During the week that the Governor remained at Bathurst, he made daily excursions in various directions:—one of these extended 22 miles in a south-west direction, and on that occasion, as well as on all others, he found the country chiefly composed of valleys and plains, separated occasionally by ranges of low hills, the soils throughout being generally fertile and well circumstanced for the purpose of agriculture and grazing. The Governor here feels much pleasure in being enabled to communicate to the public that the favourable reports, which he had received of the

country to the west of the Blue Mountains, have not been by any means exaggerated. The difficulties, which present themselves in the journey from hence, are certainly great and inevitable; but those persons, who may be inclined to become permanent settlers there, will probably content themselves with visiting this part of the colony but rarely, and of course will have them seldom to encounter. Plenty of water and a sufficiency of grass are to be found in the mountains for the support of such cattle as may be sent over them; and the tracts of fertile soil and rich pasturage, which the new country affords, are fully extensive enough for any increase of population and stock, which can possibly take place for years.

1815.
24 June.

Prospects of
settlement in
the new country.

Within a distance of ten miles from the site of Bathurst, there is not less than 50,000 acres of land clear of timber, and fully one half of that may be considered excellent soil, well calculated for cultivation. It is a matter of regret, that, in proportion as the soil improves, the timber degenerates; and it is to be remarked, that every where to the westward of the Mountains, it is much inferior both in size and quality to that within the present colony; there is, however, a sufficiency of timber of tolerable quality, within the district around Bathurst, for the purpose of housebuilding and husbandry.

Description of
neighbourhood
of Bathurst.

The Governor has here to lament, that neither coals or limestone have yet been discovered in the western country, articles in themselves of so much importance that the want of them must be severely felt whenever that country shall be settled.

Coal and
limestone not
discovered.

Having enumerated the principal and most important features of this new country, the Governor has now to notice some of its live productions. All around Bathurst abounds in a variety of game; and the two principal rivers contain a great quantity of fish, but all of one denomination, resembling the perch in appearance and of a delicate and fine flavour, not unlike that of a rock-cod; this fish grows to a large size, and is very voracious. Several of them were caught during the Governor's stay at Bathurst, and at the halting-place of the Fish River. One of those caught weighed 17 lb., and the people stationed at Bathurst stated, that they had caught some weighing 25 lbs.

Abundance of
game and fish.

The field game are kangaroos, emus, black swans, wild geese, wild turkeys, bustards, ducks of various kinds, quail, bronze and other pigeons, &c.; the water-mole or paradox also abounds in all the rivers and ponds.

The site designed for the town of Bathurst, by observation taken at a flag-staff, which was erected on the day of Bathurst receiving that name, is situated in lat. $33^{\circ} 24' 30''$ south, and in long. $149^{\circ} 37' 45''$ east of Greenwich, being also $27\frac{1}{2}$ miles north of

Position of
flagstaff at
Bathurst.

1815.
24 June.

Government House in Sydney, and $94\frac{1}{2}$ west of it, bearing west $20^{\circ} 30'$ north 83 geographic miles, or $95\frac{1}{2}$ statute miles; the measured road distance from Sydney to Bathurst being 140 English miles.

Return of
governor and
party to Sydney.

On Thursday, the 17th of May, the Governor and suite set out from Bathurst on their return, and arrived at Sydney on Friday, the 19th ult.

No land grants
to be made
pending
instructions.

The Governor deems it expedient to notify here to the public, that he does not mean to make any grant of land to the westward of the Blue Mountains, until he shall receive the commands of his Majesty's Ministers on that subject, and in reply to the report he is now about to make them upon it.

Passes to be
obtained for
crossing the
mountains.

In the mean time, such gentlemen, or other respectable free persons, as may wish to visit this new country, will be permitted to do so on making a written application to the Governor to that effect, who will order them to be furnished with written passes. It is at the same time strictly ordered and directed that no person, whether civil or military, shall attempt to travel over the Blue Mountains, without having previously applied for and obtained permission in the above prescribed form. The military guard stationed at the first depot* on the mountains will receive full instructions to prevent the progress of any persons, who shall not have obtained regular passes. The necessity for the establishing and strictly enforcing this regulation is too obvious to every one, who will reflect on it, to require any explanation here.

Public thanks to
William Cox.

The Governor cannot conclude this account of his tour without offering his best acknowledgements to W. Cox, Esq., for the important service he has rendered to the Colony in so short a period of time, by opening a passage to the newly-discovered country, and at the same time assuring him that he shall have great pleasure in recommending his meritorious services on this occasion to the favourable consideration of His Majesty's ministers.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

[Enclosure No. 4.]

[A copy of this chart will be found in the volume of charts and plans.]

[Enclosure No. 5.]

REVEREND SAMUEL MARSDEN TO GOVERNOR MACQUARIE.†

Parramatta, N. S. Wales, 30th May, 1815.

May it Please Your Excellency,

In Obedience to Your Excellency's Official Communication, directed to Me on the 17th Novr., 1814, in which Your

* Note 126.

† Note 133.

1815.
24 June.Report by
Samuel
Marsden on
his visit to
New Zealand.

Excellency instructs me to explore as much of the Sea Coast and the interior of New Zealand as my limited time would permit, and report to you such observations as I might be able to make relative to that Island; I have the Honor to transmit the following Statement for Your Excellency's information. I landed on the North Cape of New Zealand, and on the Cavalles, some small inhabited Islands about 40 Miles to the Southward of the Cape, and on the Main, opposite to these Islands. I also visited the River Thames, and landed on the West side of the Harbour; but the principal part of my time was spent in the Bay of Islands and the adjacent Country. At the North Cape, I only travelled 2 or 3 Miles into the interior, and passed one day and a half, as we found no safe Harbour for the Vessel to lay. The inhabitants are numerous and a very fine race of People. Their Potatoo plantations are all very neatly fenced in, and in as high Cultivation as the Gardens in and near London, as they do not suffer a single weed to stand that would injure the growing Crop. Here they cultivate Turnips, Yams, Terra, common and Sweet Potatoes. Their Gardens are principally situated in the Vallies, or where the Land has a gentle rise and the soil rich; what Ground is not in Cultivation is generally covered with the Flax Plant, or Fern, the root of which is much esteemed by the Natives, and ate by them as Bread in England. The Land I passed over appeared generally good and not so hilly as many other parts of New Zealand. There is no heavy timber, and comparatively little of any kind. It is very well Watered in every direction. Supplies of Fresh Pork, Fish, and Potatoes, when in Season, may be obtained here very reasonable, but as there is no Harbour for Vessels that we saw, it must be difficult to get off refreshments unless the Weather is fine. The Surf beats Violently all along the beach, where a Boat can Land when it blows fresh from the Sea; And the Coast is very high and rocky unless on a Sandy beach. On the Cavalles the Inhabitants are but few; there is a considerable quantity of Good Land, but very high. It is covered with the Flax Plant and Fern like the North Cape; and scarcely a Tree of any Size upon them.

The Land upon the Main appeared beautiful to the eye at the top of the Cavalles, lying in alternate hills and Vallies. The Vallies were invariably filled with Trees, and the Hills entirely clear and had more the Appearance of Art than Nature. I landed on the Main and met the people, who cut off the Boyd upwards of 5 Years ago; they were encamp'd, and I continued with them all Night. The Chiefs related many circumstances relative to that fatal transaction, from which it appeared, that the Europeans had been the first aggressors. There was One Chief

1815.
24 June.

Report by
Samuel
Marsden on
his visit to
New Zealand.

present, who had Sailed from Port Jackson in the Boyd, and upon whom Corporal Punishment had been severely inflicted during his Passage to New Zealand. They invited me into their Harbour of Wangroa, where the remains of the Boyd lay, and said, they would give me her Guns, part of which were on Shore, or any other of her Property that they might possess. My reason for not going in was in consequence of the Wind not Permitting. The Chiefs went on board the Active to Breakfast with me the next Morning, and then returned to Shore, when we immediately got under Way. I found the land tolerably good, but very little of it fit for the Plough's Cultivation on account of its Mountainous state. The flat where the Natives were encamped might contain somewhat an hundred Acres or more, part of which was enclosed and Planted with Potatoes. The inhabitants were numerous and exceedingly friendly, and we were furnished with a good supply of Potatoes and Pork. Between the main and the Cavalles, there is a safe Shelter for Shipping, with a good Anchorage and 7 fathom Water, as also good Passage between the Islands and the Main, both to the Northward and Southward. If a Vessel cannot go for contrary Winds on the outside of these Islands, there is no danger in running in the inside of them. All the Coast from the Cavalles to the River Thames is very high and broken land, excepting Bream Cove, where the land is low and pretty level from 5 Leagues and upwards along the Sea Coast. We here found the greatest abundance of Fish, particularly Bream, from which Fish the Cove derives its Name. I landed at the North end and near Bream Head, so called by Captain Cook; where I found a great number of hospitable and friendly Natives, among whom was a Young Man Named Moy Anger, who has been in England and is mentioned in Savage's History of New Zealand. He was particularly rejoiced and inquired after Lord Fitzwilliam and several other Noblemen, who had been kind to him. Fish, Potatoes and Pork were very plentiful here. On my arrival at the River Thames, I found the harbour very open and extremely dangerous to Shipping when the Wind sets in from the Sea. There is no Shelter, where a Vessel can lay in safety, unless behind some of the Islands which lay both on the East and West side of the Harbour, and which we had not time to examine. While we were there, we had a very heavy Gale which prevented us from finding the Channel into the fresh Water River, which is exceedingly narrow and Shallow watered on each Side. At the Head of the Cove, a Grove of lofty Pines grow which have a Noble and grand appearance. We stopped here 3 Days without being able to get into the River, and, my time being limited, did not Admit of my staying longer. I

landed on the West Side of the Harbour, where there is a strong fortification with a Straggling Village 2 Miles in length. The flat, on which the Village is situated, may contain about 200 Acres with a Soil generally rich but Strong. The Land in the rear is hilly; a part is planted with Potatoes which are very fine. The Natives were by far a more robust and finer looking race than any I had seen, and the Chiefs and their Wives clad in a Superior Style. From the River Thames, we sailed to the Bay of Islands, where I continued upwards of 6 Weeks, and examined the adjoining Country in every direction. The mouth of this Harbour is about 4 Leagues and good Anchorage for Shipping in several of the Coves, as well as behind the Islands, of which there are a Number in the Bay. Some of the Coves run more than 20 Miles from the Head into the interior. There are 4 fresh Water rivers also, which run into the Harbour in different places; these Rivers derive the following Names from the Natives, namely, Corva Corva, Wy Caddee, Wy Mattee, and Why Tanghee. Upon the Banks of the 2 former, the Pine Tree grows to a Considerable height and Size; I measured some which exceeded 30 feet in Circumference, and appeared to be from 80 to 100 feet high, and without a Branch, and very strait. There is a sufficient depth of Water for large Ships with good and safe Anchorage within 10 Miles from each of these Rivers, and 12 from the Heads of the Harbour; I was up both of these Rivers beyond where the Salt Water extends. There is good Land upon their Banks with several Native Villages. The Low Land seldom exceeded 100 Acres, and in many places not more than 20. The high land, tho' very strong Wheat land and covered with Fern, could not be Cultivated with the Plough from the Broken surface. In short, the Land more resembles the *Waves of the Sea in a Storm, than any other works of Nature*. I think it more than probable from the hilly nature of the Country sufficient falls of Water could be met with on these Rivers for turning Mills, tho' I did not proceed high enough to examine sufficiently the truth of this Conjecture; I examined the rivers Wy Tanghee, and Wy Mattee, more particularly, and found upon them the finest Natural falls I ever beheld in any Country. The first fall upon Wy Tanghee was situated at the Head of the Salt Water Cove. A Solid perpendicular Rock of almost a Semicircle form surrounded the head of the Cove, and formed the Banks on each side to a considerable extent. The rock runs across the fresh Water River from Bank to Bank, full 120 feet in extent, over this level bed; the river falls into the Cove which is 16 feet perpendicular above high Water mark. There was sufficient Body of Water in December (the time we were there, which is their Summer) to turn any

1815.
24 June.

Report by
Samuel
Marsden on
his visit to
New Zealand.

1815.
24 June.

Report by
Samuel
Marsden on
his visit to
New Zealand.

heavy Mills, either for Grinding Flour, cutting Timber, or other Purposes. This river seemed to derive its source from Natural Springs, and not from occasional rains; for, on examining the Banks of the River, I found no marks of Land floods, from the Grass and small Trees standing in their natural posture. I am of opinion, therefore, that Mills might safely be erected here without being endangered by Floods. Timber, Wheat, or any other heavy Articles might safely and easily be conveyed by Water to the very foot of the Mills. There is much good Land in the neighbourhood of the Cove, leading up to this river, and several Native Villages. I crossed this River about 15 Miles in the interior, where I saw other Situations favourable for the erection of Mills. The Wy Mattee river falls also into the Head of a Salt Water Cove, and lays about 8 or 10 Miles to the Northward of Wy Tanghee. The Water of this river runs over a fall about 10 feet above high Water Mark, and is formed by Nature similar to many artificial Mill dams, which extend across rivers in England. One solid rock forms the Bed of the river, and both Banks are also Rock. This is equally advantageous to the erection of Mills. From Wy Mattee, I walked in a Westerly direction upwards of 20 Miles thro' the Country. For 3 Miles after leaving the Banks of the river, the Land was generally level and exceeding rich and good, well calculated to the growing of Wheat or any other Grain. There was no timber upon it, yet it was thickly covered with Brush Wood and Fern. It extended from the right to the left some Miles, and might be easily cultivated with the Plough. For the next 6 Miles, the Soil was of various qualities, some good, some stony, some Swampy, and some of a gravelly nature. The Country, I passed through, was exceedingly well Watered, having crossed nine fine runs of fresh Water in the distance of as many Miles. I then entered a very fine Wood of different kinds of Timber. The Pines in particular were of uncommon Size. After passing thro' this Wood I came to a Native Village, which was Situated in a fine rich Valley thro' which a Considerable rivulet ran. For the next 5 Miles the soil varied, some being stony, but the Land rich; and in this Stony Land the Natives Plant considerable quantities of Potatoes. There was a large Flat of good level Land that might be wrought with the plough. I observed One Field, which appeared to me to contain 40 Acres and upwards, and all fenced in. In this enclosure, very extensive plantations of Sweet and common Potatoes were observed. Shortly after passing this Field, I came to a very strong fortified Village containing about 200 Houses. It was built on the Summit of a very high Hill round which 3 deep and wide trenches were dug at a few paces from

each other, and all three fenced either with Split or whole Trees, some of them not less than 20 feet high. In this fortification, there were a Number of People. The Village and People belonged to the Chief Shunghee, and his Brother Cangroa, and all the Country thro' which I passed. These 2 Chiefs have very large dominions. Their Territory extending from the East side of New Zealand opposite to the Cavallee Islands to the West side of it; I slept 2 nights in this Fortification during the time I remained here. I examined the Country about for 5 Miles to the Westward, and arrived to a lake of fresh Water about 15 Miles in circumference. Shunghee informed me that this lake emptied itself into a fresh Water river, which ran into the Western Ocean. That there was a very fine and extensive Harbour on the West side into which this river ran, but the entrance was very narrow, and a very heavy Sea when the Wind was from the Southward. I saw little Grass in any part of New Zealand except in small patches, where the Land had been Cultivated; neither is it possible for any Grass to grow, while the Country continues in a state of nature, on Account of the immense quantity of Fern which every where burdens the Soil, and smothers all other vegetation. In many places it generally appears 6 Feet high, and stands as thick upon the Ground as a Crop of Wheat. There is no part of New Zealand that I saw so eligible for a Settlement as the Country last described, which lies between the 2 rivers Wy Mattee, and Wy Tanghee. The Country appeared extremely fine and fit for Cultivation to the Northward and Westward as far as the Eye could discern. On my way between the Banks of Wy Mattee and the Fortified Village previously mentioned, I observed no free Stone from the North Cape to the River Thames a distance of almost 200 Miles. The rocks appeared of a very dark gray, and nearly as hard as a Mill Stone and throughout the whole bore the same aspect. The Country abounds with Pipe Clay and Brick Earth. I observed no signs either of Coal or Lime Stone. With respect to the timber, there is a great variety fit for Building Houses, Ships, or any other purposes. The Pine Tree is by far the largest, of which I saw 4 different Species, but no extensive Forests. The Flax Plant is common all over the Country. It grows in the richest Vallies, and on the Poorest Grounds, and is an hardy Annual Plant. It serves the Natives for fishing lines, Clothing, Sleeping Mats, and Baskets, as also various other purposes. It may be considered one of the greatest gifts of nature these People can inherit. I found the Natives kind and friendly in every part of the Coast from the North Cape to the River Thames. They likewise manifested an ardent desire to Cultivate an inter-

1815.
24 June.

Report by
Samuel
Marsden on
his visit to
New Zealand.

1815.
24 June.

Report by
Samuel
Marsden on
his visit to
New Zealand.

course with Europeans, and several of the Chiefs requested that I would send some to reside amongst them. Tho' I am persuaded that the New Zealanders would be glad to have some Europeans to instruct them in the Arts and Agriculture, nevertheless, I am of opinion that they would not quietly submit to have any part of their Country wrested from them by any Nation, but resist to the utmost of their Power any attempt of this nature. A Chief might be induced to locate a certain Part of his Domain for a Valuable consideration, provided he could do this legally in conformity to the custom of the Country; But whether he could or no I am not certain. The Boundaries of their Estates appear to be accurately ascertained by Land Marks to shew who is the Proprietor, and particularly on their Fishing Grounds. Tho' the Natives of this Place were so very friendly to us and shewed us every mark of attention, still I should recommend all Masters of Vessels to be extremely cautious in entering into any other Harbour than the Bay of Islands, unless they can depend upon the good Conduct of their Crews. *The New Zealanders will not be insulted with impunity, and treated as Men without understanding.* In the Bay of Islands, I should consider a Vessel to ride equally as safe, as if in the Harbour of Port Jackson, unless the Crew behaved extremely ill, as the Natives here would not take offence on any trifling occasion. All the natural Productions of the Island, as Timber, Flax, or any other Article that may hereafter be found valuable to Commerce, may be obtained from the Natives for Axes or any other edge Tools they might want. None of them appeared to want industry, but only a proper object to stimulate their exertions. They have done much in the way of Cultivation with such efficient Tools as they have been able to make of Wood; but it is out of the Power of Man to Clear and Subdue in any quantity Land in a state of nature without Iron, an article which they have no means of procuring. I have every reason to hope, from a late Communication, that the Church Missionary Society will in a short time partly supply their wants in this respect, And have only to solicit that Your Excellency will be graciously pleased to recommend to the kind Consideration of His Majesty's Government the Inhabitants of this Island, who with a little assistance would soon shake off the Shackles of Superstition and Barbarism; And render themselves worthy of ranking by the side of Civilized Nations.

I have, &c.,
SAMUEL MARSDEN.

Compared with the Original, True Copy:—

JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

MEMORIAL OF MERCHANTS, TRADERS, AND OTHERS.

To His Excellency Lachlan Macquarie, Esquire, &c., &c.

THE Memorial of the undersign'd, Merchants, Traders, and others, residing in the said Territory,

Respectfully sets forth,

That one of Your Excellency's Memorialists, namely Simeon Lord of Sydney, Merchant, being desirous of procuring some Staple Commodities for Exports and return Cargoes from this Colony and New Zealand to England, the Cape of Good Hope, and other Parts, did, so long back as in the Year 1809, charter the Ship Boyd for the purpose of proceeding from hence to England with Coals, Cedar, and Timber, touching at New Zealand for Spars and other Commodities, which the said Simeon Lord thought might be disposed of to advantage at the Cape of Good Hope and England; with which, and 30,000 Seal Skins, that Ship Sail'd in the Month of October, 1809, and arrived in November at a Port called Wangaroo, a little to the Northward of the Bay of Islands on the East Coast of New Zealand, where she was unfortunately Cut off by the Natives, and that Design was frustrated.

Yet the said Simeon Lord still having great reason to believe that the Timber, Hemp, Flax, and other Commodities, procurable at New Zealand, would be of the greatest Importance, both for the Consumption of this Colony, and as Exports, He, in the Year 1810, in conjunction with Francis Williams and the late Andrew Thompson, Esquire, made another Attempt* to form a Settlement and Factories, under Your Excellency's Sanction and Recommendation to His Majesty's Ministers, to encourage and protect their Endeavours, as well as to grant certain Indulgencies expressed in the Prayer of a Memorial,* they had the honor to address to Your Excellency on that Subject, and to which Your Excellency was pleased to inform Memorialist, Simeon Lord, was sanctioned under certain restrictions; and in pursuance of which, two Vessels were equipt with Men, Provisions, and proper Materials &c. sent under the Management of one William Leith, whose Misconduct frustrated their Intentions after the Parties concerned had sunk upwards of £2,000 on that occasion, exclusive of the incalculable Injury the said Simeon Lord had individually suffered in the Loss of the said Ship Boyd, on board of which he had upwards of £12,000 real Property, of which not one Penny had been Insured by reason of the failure of Messrs. Jacobs, of London, Merchants, who had been appointed Mr. Lord's Agents, and instructed to make Insurance accordingly. From these Losses, and other Pecuniary Embarrassments which the said Simeon Lord had to contend with, the Object, then (and still)

1815.
24 June.

Memorial of
merchants for
charter for
a trading
company in
New Zealand.

* Note 134.

1815.
24 June.

Memorial of
merchants for
charter for
a trading
company in
New Zealand.

intended to be carried into Effect, lay dormant untill May last, when the said Simeon Lord, desirous again to make a further Attempt, was inform'd that several other Merchants and respectable Inhabitants of this Colony were solicitous to enter into a Speculation of that Nature, which induced the said Simeon Lord and Garnham Blaxcell, another of Your Memorialists, to make a Public Business of it, by advertisizing for all Persons, who were inclined, to come forward and incorporate themselves into a Stock Company, dividing it into Shares of £50, so that every Person might participate in the benefits of the Enterprize who would advance and risk that Sum; and having obtained Your Excellency's Permission to advertize* and convene a Meeting for that purpose, and with a View to establish such Settlements and Factories at New Zealand, as might be thought advisable, or likely to answer the intended purpose of procuring and preparing the New Zealand Hemp and Flax Plants, suitable for this or any other Markets, together with Timber, or any other Articles, the Natural Productions of the Island, and which was to be called and known by the Name of "The New South Wales New Zealand Company" constituted or incorporated by a certain Charter or Licence from Your Excellency, as Governor in Chief of this Colony, authorizing them to incorporate themselves into a Company, and to frame such Laws and Regulations as might be found requisite and necessary from time to time, first submitting them to Your Excellency's Consideration and Approval, so as to enable the Company, by just and salutary Rules and Regulations, to proceed in, and effectually to carry on, their intended Speculation, which Memorialists, presuming on Your Excellency's gracious Support and Encouragement so far as may be reasonable, and within Your Excellency's Province, and trusting that Your Excellency, in consideration of the heavy Expences and Hazards of such an Undertaking from the large sums already sunk by former Attempts, Would deign, under proper Rules, Regulations and Management, to afford them your Support and Protection under the reasonable and well grounded expectation that a most valuable Exportation of Hemp, Flax and other Commodities might be acquired, and the Natives in time civilized, made a usefull Race of People, and taught to appreciate the Value of a friendly Intercourse between us.

And here Memorialists respectfully beg leave to submit to Your Excellency the Outlines of their first proposed Plans and Intentions, looking up to you as the Father and Patron of your People for Support and Protection, and pledging themselves to observe such Restrictions and Regulations, as in Your Excellency's Wisdom may seem meet and desirable to prescribe.

* Note 135.

First, That Memorialists propose to be incorporated into a Stock Company by a proper Deed or Charter, The Concern to consist of Two Hundred £50 Shares, which Shares may be sold, divided, or disposed of, as the Proprietors and Holders may think proper.

That the Concerns of the Company shall be carried on, and managed by two or more Directors, to be Elected from the general Body of Proprietors by Ballot once every Year, at which time, the Accounts of the Year shall be made up and open to the Inspection of the Proprietors, the Profits ascertained, and appropriated to the general Benefit, in like manner as Stock Companies in England are generally guided, but governed by their own Laws and Regulations under Your Excellency's Approbation, to whom all new Rules and Regulations shall from time to time be submitted.

The first object is, to employ the Capital, so subscribed in Shares, in purchasing two small Vessels, One from 80 to 100 Tons, the other 50 or 60 Tons Burthen, with about 50 Men, including the Vessels' Crews, forming the first Establishment at Fort William on the South end of New Zealand, and fetch across Foveaux's Straits in the smaller Vessel, the Raw Materials and such of the Natives as may chuse to assist, preparing and packing the Hemp and Flax, and if found convenient, make Cordage and Canvas, thus by Degrees extending their Undertaking so as to make other Settlements and Factories on such other Parts as may be discovered, or found likely to answer the Objects in View, after carefully surveying the whole of the Harbours and Places on the Island, to which Service it is intended to appropriate the larger Vessel; at the same time endeavouring to form, and preserve, by every mode of Conciliation and Kindness, a friendly Intercourse with the Natives, by Bartering with, and Encouraging them to procure and prepare the Hemp and Flax, by shewing them the best way of dressing those Articles by hand, and which Memorialists trust, by a strict and honourable adherence on their part, and by those who may Act under them, to one principle, namely that of treating the Natives courteously and kindly, may in time produce Confidence, and mutual Friendship, making them first usefull and then leading them on to progressive Civilization, by allowing and inviting such of them, as may be so disposed, to proceed to the Establishment, where they may learn our Tongue, and be taught to Assist in the various Processes attached to the Arts before them; to facilitate which, there will be a kind of Dock Yard, where Blacksmiths, Ship-Wrights, Carpenters, and Sawyers will be employed; and as the Manager, or Person in Charge and Command at the Factory, will be One of the Proprietors, holding not less than ten Shares, besides his Salary from the Company and his

1815.
24 June.

Memorial of
merchants for
charter for
a trading
company in
New Zealand.

1815.
24 June.

Memorial of
merchants for
charter for
a trading
company in
New Zealand.

Instructions from Your Excellency or The Governor for the time being, whose Interest it will be, exclusive of such Instructions, to be careful and cautious that no improper Treatment is given to the Natives; and as it is probable there will be many Speculators glad to profit by the Company's Experiments, if successful, Memorialists submit that, as they have advertized, and not only offered, but solicited the Inhabitants of this Colony to join them, and as the Shares may at all times be divided and extended according to the Supposed Value of the Speculation in its progress, Memorialists hope that Your Excellency will be pleased to prevent any Infringement or Interference by Others from this Colony without first obtaining a similar Permission and Authority from England through Your Excellency's Recommendation, or The Governor for the time being; so as they may not avail themselves of Memorialists' Experience by attempting to form a similar Establishment, or send Vessels to barter with the Natives to the Prejudice and Injury of Memorialists, who being the first to hazard their Property in the Speculation, and having carried it on under Your Excellency's gracious Patronage and Protection, trust they may be at liberty to prosecute their Views without any such Interruption or Opposition.

May it therefore please Your Excellency to grant Memorialists a Charter, Licence, or such other Authority, as will enable them to Incorporate themselves into a Stock Company, with such other Documents and Authority as will enable them to establish and form Settlements and Factories on such Parts and Places of New Zealand, as may, after strictly surveying, be found likely to answer their purpose, And that Memorialists may be permitted to import and export Part, or All such Commodities as may be procured, to and from this Colony, Duty Free, and that Your Excellency will be pleased to appoint the Person in charge, a Justice of the Peace, with such Instructions and Regulations as to Your Excellency's Wisdom may seem meet, with such other Encouragement and Indulgencies as the Nature and Magnitude of the Undertaking merit.

And Memorialists will ever pray, &c.,

S. LORD.

W. H. HOVELL.

G. BLAXCELL.

E. S. HALL.

RICHD. BROOKS.

Sydney, 3d October, 1814.

[Enclosure No. 7.]

REPORT OF SURVEY ON THE BRIG EMU.

WE whose Names are herein Subscribed, Having been especially appointed by His Excellency Lachlan Macquarie, Esqr., Governor of this Colony, a Committee for the purpose of proceeding on

Board H.M. Colonial Brig Emu now lying in Sydney Cove, Port Jackson, in order to Survey the said Vessel, and to report to His Excellency in Writing whether we consider her in her present Condition fit for the Service of this Colony, Have accordingly proceeded on Board the said Brig Emu this Day, and have found and Do report as follows:—

1815.
24 June.
Survey of the
brig Emu.

On taking out the Planks on both sides of her Water ways on her upper Deck, We found them to be part in a rotten, and part in a decayed state. On examining her Beams and Knees, We found them in the same state as her Deck Plant. Having taken out the Planks on the outside above the Wales, on both sides We found a great number of the timbers partly rotten and partly decayed. We found the Trunnels also much decayed, and one Plank in the Starboard Side decayed; after Cutting pieces of the Ceiling in the Hold, We found the Timbers in the same state as on the outside. From all which Circumstances, We are unanimously of Opinion that the said Brig Emu is not fit for the Service of this Colony. And We declare that We have taken this Survey with such Care and Equity that We are ready to make Oath to the Impartiality of our Proceedings.

Given under our hands at Sydney, this Twenty first Day of April, 1815.

THOS. MOORE.

JAMES BIRNIE.

JOHN WILKINSON.

WILLIAM COSAR.

RICHD. BROOKS, Agent to the
Underwriters at Loyds.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 8.]

THE ACCOUNTS CURRENT of the Expences of the Colony from 25 August, 1814, to 24th April, 1815, Inclusive.

Accounts
and returns
transmitted.

[Enclosure No. 9.]

LISTS of Bills drawn by the Depy. Commissary General on the Lords of the Treasury and Colonial Agent from 25 Augt., 1814, to 24th April, 1815, Inclusive.

[Enclosure No. 10.]

A STATEMENT and Return of Provisions remaining in H.M. Stores on 24th April, 1815.

[Enclosure No. 11.]

A DEMAND for the Annual Supplies of Stores, Slop Clothing, Ordnance, Naval and Military Stores for the Use of the Colony.

[Copies of these four enclosures will be found in a volume in series II.]

1815.
24 June.
Return
of shipping
and cargoes.

[Enclosure No. 12.]

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of July to the 30th day of September, 1814.

Date.	Vessel's Name.	Master.	Build.	Number of		Where Built.	Registered.	Name of Owner.	From whence.	General Cargo.	Duty.
				Tons	Men						£ s. d.
July 1	Spring	Wm. Bunster	Plantation	150	6 11	Bermuda	London	Edwd. Lord	Port Dalrymple	See Appendix	2 0 0
" 4	Campbell Macquarie	Rd. Siddons	Do	135	4 20	Calcutta	Calcutta	Alexander & Co.	Calcutta	See Appendix	252 8 4½
" 14	Seringapatam	none	Do	No Register		Bombay	none	none	Marquesas Islands	See Appendix	5 10 0
" 23	Derwent	Wm. Carr	American	165	3 18	Baltimore	London	Loane & Co.	Derwent	See Appendix	122 17 0
August 1	Alligator	J. Savigny	Do	75	11	Salem	Calcutta	Thomas Stewart	Isle of France and Do.	See Appendix	3 10 0
" 16	Broxbornbury	Thos. Picher-Jr.	British	75	14	Gravesend	London	Thos. Picher & Co.	London	See Appendix	20 15 6
" 23	Surry	Thos. Raine	Do	443	30	Hardwick	London	Messrs. Mangies	Do. and Rio de Janeiro.	See Appendix	37 9 0
Septem. 7	General Suwarrow	M. Lazeroff	Russian	300	8 35	Russia	St. Petersburg, and Port.	Russian Co.	St. Petersburg and Port.	See Appendix	2 0 0
	Jefferson	R. Barnes	American	247	1 52	America	Milford Haven.	B. Roche	Sperm Fishery	See Appendix	446 9 10½

Spirits and Wine imported:—*Campbell Macquarie*.—Rum, 10 Casks 670 Galls. Wine, 3 Casks, 103 Galls.
Broxbornbury.—Brandy, 3 Casks (Bonded). Gin, 2 Casks (Bonded).
Surry.—Rum, 2 Casks, 156 Galls. General *Suwarrow*.—Rum, 2 Casks, 216 Galls.

APPENDIX OF CARGOES.

Spring.—15 Tons of Potatoes and 2,640 Bushels of Wheat.
Campbell Macquarie.—33 Bales of Piece Goods, 86 Parcels of Iron Hoops, 2½ Tons of Iron, 213 Bags of Sugar, Rice, etc., 49 Bund's of Lines, Twines and Canvas, 100 Boxes of wine Glasses, China ware, etc., 785 Chests and Boxes of Tea, and 100 Bags of Rice.
Seringapatam.—Retaken at the Marquesas Islands by 14 Englishmen Prisoners of War to the American Frigate *Essex*.
Derwent.—60 Tons of Elephant Oil, 31 Boxes of Tea and 3 Casks of E. ware.
Alligator.—40 Rolls of Tobacco and 20 Tons of Potatoes.
Broxbornbury.—2 Trunks of Cambric, 224 Packs, of Pickles, Cheese and Butter, 3 Hampers of Confectionery, 40 Bags of Shot, 10 Barr's of Tar, 7 Cases of Cutlery, etc., 8 Crates of Earthen Ware, 2 Cases of Hard Soap, 1 Trunk of Haberdash'y, 2 Cases of Buttons, 25 hogs. of Porter, 2 Bags of Corks, 1 Box Garden Seeds, and 1 small Box Hosiery.
Surry.—33 Cans and Boxes of Stat'y and Sund's, 6 Casks of Sad'y, etc., 4 Bales of Blank's, 1 Pack. of Bar Tin, 16 Bund's Nail Iron, 45 Bars Iron, 6 Bales and Chests of Hosiery, 12 firs. of Butter, a qu'y of Hams, 8 Colls of rope, 11 lbs. of Ale, 28 Packs. paints, 6 Bags Shot, 3 Jars Salt, 1 p's Books and 50 Rolls Tobacco.
General Suwarrow.—Stores for the Russian Settlement on the N.W. Coast of America.
Jefferson.—95 Tons of Sperm Oil for the British Market.

Naval Office, Sydney, N.S.W., 30th Sept., 1814.

Errors Excepted.

JOHN PIPER, Nav'l Officer.

[Enclosure No. 12]—continued.

REPORT of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st day of July to the 30th day of September, 1814.

When Cleared.	Vessel's Name.	Master.	Number of			Build.	Where Built.	Registered.	Owner's Name.	Where Bound.	General Cargo.	Clearance.
			Tons.	Guns.	Men.							
July 2	Morning Star	Robt. Smart	140	8	36	Plantation	Calcutta . .	Calcutta . .	Lackertren & Co.	Batavia	Ballast	£ s. d. 0 5 0
" 12	Catherine	W. Simmons	304	8	24	America . .	America . .	London . .	Dani. Bennett.	South Sea Fishery.	Do	0 5 0
" 18	Frederick	Wm. Duncan	210	4	42	Plantation	Java	Calcutta . .	Palmer & Co.	Madras and Calcutta.	Do	0 5 0
" 30	Hibernia	Saml. Ashmore.	160	4	34	Do	Calcutta . .	Do	Scott & Co.	Amboyne and Batavia.	Do	0 5 0
"	Eliza	Robt. Murray	200	8	29	Do	Do	Do	Robert Murray.	Calcutta . . .	Do	0 5 0
Augt. 5	Derwent	Wm. Carr . .	165	3	13	American	Baltimore	London . .	R. W. Loane	Isle of France and London.	60 Tons of Black Oil and 40 Tons of Coals.	0 5 0
"	Campbell Macquarie.	Rd. Siddons	135	4	20	Plantation	Calcutta . .	Calcutta . .	Alexander & Co.	Society Islands	Ballast	0 5 0
" 20	Spring	Wm. Bunster	142	4	11	Do	Bermuda	London . .	Edward Thomas.	River Derwent	Sundries for the use of that Settlement.	0 5 0
Septem'r 1	Alligator	J. Savigny . .	75	1	12	Do	Salem . . .	Calcutta . .	Thomas Stewart.	Isle of France	4 Casks of Oil and Grind Stones.	0 5 0
" 14	General Suwarrow	M. Lazeroff . .	300	8	35	Russian . .	Russia . .	St. Petersburg.	Russian Company.	Norfolk Sound	Ballast	0 0 0
												£2 5 0

Naval Office, Sydney, N.S.W., Sept. 30th, 1814.

Errors Excepted.

JOHN PIPER, Naval Officer.

1815.
24 June.
Return of
shipping.

[Enclosure No. 12]—*continued.*

1815.
24 June.
—
Account of fees
and duties
collected by
naval officer.

ESTIMATE of Duties collected by the Naval Officer from the 1st day
of July to the 30th day of September, 1814.

	£	s.	d.
Brig Spring	2	5	0
„ Campbell Macquarie	252	13	4½
Ship Seringapatam	5	10	0
Schooner Derwent	123	2	0
Alligator	3	15	0
Ship Broxbornebury	20	15	6
„ Surry	37	9	0
„ Jefferson	2	0	0
Brig Morning Star	0	5	0
Ship Catherine	0	5	0
„ Frederick	3	8	0
Brig Hibernia	9	14	0
Ship Eliza	0	5	0
Spirits issued to Individuals 222 Galls. 5s.	55	10	0
Do. Contractors 1,107 „ 3s.	166	1	0
Colonial Vessels Inwards p. Abstract	233	9	6
Do. Outwards Do.	8	6	0
	924	13	4½
Deduct Naval Officer's Comm. of 5 pr. Cent.	46	4	8
Balance due to Governm't	£878	8	8½

Naval Office, Sydney, New South Wales. Errors Excepted.

30th day of September, 1814.

JOHN PIPER, Naval Officer.

EXPLANATION of the within Estimate of Duties.

	£	s.	d.	£	s.	d.
<i>Spring</i> —						
To Entry and Clearance				2	5	0
<i>Campbell Macquarie</i> —						
To Entry and Clearance	3	15	0			
„ Wharfage on 1,096 Pack's 6d.	27	8	0			
„ Ad Val. on £2,343 2s. 6d.	117	3	1½			
„ Duty on 670 Galls. rum 3s.	100	10	0			
„ Do. 103 „ wine 9d.	3	17	3			
<i>Seringapatam</i> —				252	13	4½
To Entry				5	10	0
<i>Derwent</i> —						
To Entry and Clearance	2	5	0			
„ Duty on 60 Tons of Oil	120	0	0			
„ Wharfage on 34 Pack's 6d.	0	17	0			
<i>Alligator</i> —				123	2	0
To Entry and Clearance	2	15	0			
„ Wharfage on 40 Pack's 6d.	1	0	0			
<i>Broxbornebury</i> —				3	15	0
To Entry	8	10	0			
„ Wharfage on 263 Pack's 6d.	6	11	6			
„ Duty on 152 Galls. wine 9d.	5	14	0			
<i>Surry</i> —				20	15	6
To Entry	5	10	0			
„ Wharfage on 222 Pack's 6d.	5	11	0			
„ duty on 156 Galls. rum 3s.	23	8	0			
„ Ad Val. on £60	3	0	0			
<i>Jefferson</i> —				37	9	0
To Entry				2	0	0
<i>Morning Star</i> —						
To Clearance				0	5	0
<i>Catherine</i> —						
To Clearance				0	5	0
<i>Frederick</i> —						
To Clearance and 3 weeks mooring chains				3	8	0
<i>Hibernia</i> —						
To Clearance	0	5	0			
„ 9 Weeks mooring chains	9	9	0			
<i>Eliza</i> —				9	14	0
To Clearance				0	5	0

[Enclosure No. 12]—*continued.*

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of October to the 31st day of December, 1814.

Date of Entry.	Name of Vessel.	Master.	Build.	Number of		Where Built.	Regis-tered.	Names of Owners.	From whence.	General Cargo.	Duty.
				Tons.	Men.						£ s. d.
October 17	Somersetshire.	Alexr. Scott.	British	449	1835	River Thames	London	Goodson & Co.	London and Rio	See Appendix	13 6 0
" 20	General Brown	J. Kilpatrick	Plantation	327	435	Calcutta	Calcutta	Kilpatrick & Co.	Calcutta	Do	1562 16 6
" 22	Betsey	Thos. Baker	Do	222	232	Chittagong	Do	Hogur & Co.	Do	Do	103 8 3
											1679 10 9

Naval Office, Sydney, New South Wales,
31st day of December, 1814.

Errors Excepted.

JOHN PIPER, Nav'l Officer.

REPORT of Ships and Vessels entered Inwards continued from the 1st Day of Jan. to the 31st Day of March, 1815.

1815	Date of Entry.	Name of Vessel.	Master.	Build.	Number of		Where Built.	Regis-tered.	Names of Owners.	From whence.	General Cargo.	Duty.
					Tons.	Men.						
Jan'y. 30th	Marquis of Wellington	G. Petham	Calcutta	653	1253	Calcutta	London	MacCallum & Co.	London	London	See Appendix	328 8 9
March 4	Campbell Mac-	Rd. Siddons	Plantation	135	428	Do	Calcutta	Alexander & Co.	Feejee Islands	Feejee Islands	49½ Tons of Sandal Wood.	125 15 0
" 22	quarie. Sydney Packet	Jno. Wilkinson	Do	273	421	American	London	Birnie & Co.	London	London	See Appendix	2048 13 6
												2502 17 3

Naval Office, Sydney, New South Wales,
31st day of December, 1814.

Errors Excepted.

JOHN PIPER, Nav'l Officer.

Spirits imported:—*General Brown*.—Rum, 44 Casks, 6,510 Galls. *Marquis of Wellington*.—Rum, 6 Casks, 704 Galls.; Gin, 1 Cask, 100 Galls. *Sydney Packet*.—Rum, 126 Casks, 15,822 Galls.; Brandy, 23 Casks, 3,058 Galls.; Gin, 19 Casks, 2,245 Galls.
Wine imported:—*Somersetshire*.—23 Casks (Bottled). *Marquis of Wellington*.—1 Cask, 12 Cases, 408 Galls. *Sydney Packet*.—7 Casks, 964 Galls.

APPENDIX OF CARGOES.

Somersetshire.—32 hogs. of Porter and 60 Baskets of Tobacco.

General Brown.—3,000 Bags of Wheat, 580 Bags of Rice, 12 Bales of Piece Goods, and 25 Chests of Tea.

Betsey.—3,300 Bags of Wheat, 200 Bags of Sugar, and 49 Bales of Piece Goods.

Marquis of Wellington.—20 Hhds. of Porter, 48 Hampers of Ale, 10 Trunks of Shoes, Books, Chintz and Musical Instruments, 35 Baskets of Cheese, 27 firkins of Butter, 8 Bags of Corks, 16 Cases of Sundries, 14 Crates of Crockery ware, 17 Kegs of Paint, 12 Casks of Nails, 85 Baskets of Tobacco, and 18 Bags of Sugar.

Sydney Packet.—376 Hhds. of Porter, 107 Barrels of Tar and Pitch, 22 Casks of Sundries, 56 Bundles of Spades and Shovels, 36 Boxes of Copper, hats, etc., 1 Bale of Cloth, 2,811 Iron Pots, 148 Axle Boxes, 10 Tons of Iron, and 3 Bundles of Steel.

Return
of shipping
and cargoes.

1815.
24 June.

1815.
24 June.
Return
of shipping
and cargoes.

[Enclosure No. 12]—continued.

REPORT of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st day of October to the 31st day of December, 1814.

When Cleared.	Vessel's Name.	Master.	Number of		Build.	Where Built.	Registered.	Owners Name.	Where Bound.	General Cargo.	Clear- ance Fee.	
			Tons.	Men.							£	s. d.
October 16	Seringapatam ..	Eber Bunker ..	375	18 23	Plantation	Bombay	None	None	London ..	See Appendix	4	9 6
" "	Jefferson	Robt. Barnes ..	247	1 22	American	America	Milford Haven	B. Roche ..	Fishery ..	See Appendix	0	5 0
Novem'r 8	Surry	Thos. Raine ..	443	14 32	British	Hardwick ..	London	Mangies & Co.	China	See Appendix	0	5 0
" 16	Broxbornebury ..	Thos. Pitcher ..	751	14 62	Do. ..	Gravesend ..	Do.	Pitcher & Co.	Batavia ..	300 Tons of Coals	0	5 0
" "	Somersetshire ...	Alexr. Scott ..	449	18 35	Do. ..	River Thames	Do.	Goodson & Co.	Do.	Ditto ..	0	5 0
Decem'r 16	General Brown ..	J. Kilpatrick ..	327	4 35	Plantation	Calcutta	Calcutta	Kilpatrick & Co.	Ceylon ..	Troops	0	5 0
" 29	Betsey	P. Goodenough	222	2 32	Do. ..	Chittagong. .	Do.	J. Under- wood.	Macquarie Island.	Ballast	0	5 0
											£5	19 6

Naval Office, Sydney, New South Wales,
31st day of Decr., 1814.

Errors Excepted.

JOHN PIPER, Naval Officer.

APPENDIX OF CARGOES.

Seringapatam.—35 Bales and 42 Casks of Wool, 409 Bullock Hides, 92 Casks of Oil, 8594 Seal Skins and 15 Casks of Do., 276 Bundles of Bark and 11 Casks of Arrow Root.

Jefferson.—95 Tons of Sperm Oil for the London Market.

Surry.—11 Pipes of Madeira Wine and a quantity of Coals.

ESTIMATE of Duties collected by the Naval Officer from the 1st day of October to the 31st day of December, 1814.

1815.
24 June.

Account of fees
and duties
collected by
naval officer.

	£	s.	d.
Somersetshire	13	11	0
General Brown	1,563	1	6
Betsey	103	13	3
Seringapatam	4	9	6
Jefferson, Surry, and Broxborneburry's Clearances ..	0	15	0
Spirits issued to Individuals 180 Galls. at 5s.	45	0	0
Entries of Colonial Vessels p. Abstract	478	3	6
Sailing of Do. Do.	6	15	0
Auction Duties from David Bevan	21	17	9
Do. Robert Jenkins	16	16	7
	2,254	3	1
Deduct Naval Officer's Commiss'n of 5 pr. Cent.	112	14	1 $\frac{3}{4}$

Balance due to Government 2,141 8 11 $\frac{1}{2}$

JOHN PIPER, Nav'l Officer.

Naval Office, Sydney, New South Wales,

31st day of December, 1814. Errors Excepted.

EXPLANATION of the within Estimate of Duties.

	£	s.	d.	£	s.	d.
<i>Somersetshire—</i>						
To Entry and Port Clearance	5	15	0			
„ Ad. Val. on £100	5	0	0			
„ Wharfage on 112 pack's @ 6d. ...	2	16	0			
				13	11	0
<i>General Brown—</i>						
To Entry and Port Clearance	4	15	0			
„ Ad Val. on £2,786 @ 5 p. Ct.	139	6	0			
„ Duty on 3,510 Gals. rum 5s.	877	10	0			
To Contractors—						
„ Do. 3,000 do. 3s.	450	0	0			
„ Wharfage on 3,661 pack's @ 6d. ..	91	10	6			
				1,563	1	6
<i>Betsey—</i>						
To Entry and Port Clearance	3	15	0			
„ Ad Val. on £1,973 17s. 6d.	98	13	9			
„ Wharfage of 49 pack's @ 6d.	1	4	6			
				103	13	3
<i>Seringapatam—</i>						
To wharfage on 169 packs. 6d.	4	4	6			
„ Clearance	0	5	0			
				4	9	6

1815.
24 June.
Account of fees
and duties
collected by
naval officer.

ESTIMATE of Duties collected by the Naval Officer, from the 1st day of January to the 31st day of March, 1815.

	£	s.	d.
Marquis Wellington	328	8	9
Campbell Macquarie	125	15	0
Sydney Packet	2,048	13	6
Entries of Colonial Vessels pr. Particular Abstr't	644	11	1
Sailings of Do. Do.	4	12	0
Duty on 119 Galls. of Spirits issued to Individuals @ 3s.	17	17	0
Do. 1,717 Do. Do.	5s.	429	5 0
Do. 189 Do. Do.	7s.	66	3 0
	3,665	5	4
Deduct Naval Officer's Comm'n of 5 p. Cent.	183	5	3
	3,482	0	1

JOHN PIPER, Nav'l Officer.

Naval Office, Sydney, New South Wales,
31st day of March, 1815. Errors Excepted.

EXPLANATION of the within Estimate of Duties.

	£	s.	d.	£	s.	d.
<i>Marquis of Wellington—</i>						
To Entry	7	15	0			
„ Ad Val. on £335 15s. @ 5 p. Ct. ..	16	15	9			
„ Duty on 804 Galls. Spirits @ 7s. ...	281	8	0			
„ Do. 408 „ Wine @ 9s. ...	15	6	0			
„ Wharfage on 288 Packs. 6d.	7	4	0			
				328	8	9
<i>Campbell Macquarie—</i>						
To Entry	2	15	0			
„ Duty on 49½ Tons Sand'l Wood at £2 10s.	123	0	0			
				125	15	0
<i>Sydney Packet—</i>						
To Entry	4	15	0			
„ Duty on 21,125 Galls. Spirits— remaining H.M. Bonded Store and not yet issued 15,441						
	5,684	Do. at 7s.	1,989 8 0			
„ Duty on 820 Do. Wine 9d.	30	15	0			
„ Wharfage on 771 Packs 6d.	19	5	6			
„ Do. 15 Tons Sunds. 6s.	4	10	0			
				2,048	13	6

ENTRIES of Colonial Vessels at Port Jackson from the 1st day of January to the 31st day of March, 1815.

1815.
24 June.Entries of
colonial vessels
at Port Jackson.

Date.	Vessels Name.	From whence.	Bus. of		Feet Cedar.	Tons Coals.	General Cargo.	Duty.
			Wheat.	Maize.				
Jany. 2	Union	Hawkesbury ..	20	200	..	..	..	£ s. d.
" 8	Mary Ann	New Castle .....	..	..	2781	12	..	0 2 0
" 9	Hawkes'y Packet.	Do. ....	..	..	..	18	..	44 0 3
" 13	Govr. Hunter ..	Do. ....	..	..	..	25	..	13 15 0
" 13	Brothers	Do. ....	..	..	..	34	..	19 0 0
Feby. 6	John Palmer ..	Do. ....	..	..	..	22	..	25 15 0
" 9	Mary Ann	Do. ....	..	..	1868	14	..	16 15 0
" 16	Improvement.	Hawkesb'y	417	..	..	..	..	34 2 0
" 17	Geordy	Do.	600	..	..	..	..	0 2 0
" 17	Whale	Do.	400	..	..	..	..	0 2 0
" 23	Govr. Macquarie.	So. Sea Islands ..	..	..	..	..	52 Tons 19 Cwts. Sand'l Wood.	132 12 6
" 24	Hawkes'y Packet.	Hawkesb'y	740	74	..	..	..	0 2 0
" 25	Mary Ann	New Castle .....	..	..	647	20	..	23 6 9
" 27	John Palmer ..	Do. ....	..	..	..	22	..	16 15 0
Mar. 3	Eliz'h and Mary	Macq. Island .....	..	..	..	..	2690 Seal Skins ..	17 1 3
" 3	Recovery	Hawkesb'y	80	200	..	..	..	0 2 0
" 4	King George ..	South Seas .....	..	..	..	..	12½ Tons Sperm Oil.	31 10 0
" 8	Union	Hawkesb'y	370	..	..	..	..	0 2 0
" 9	Endeavour	Macq. Islands .....	..	..	..	..	31½ Eleph't Oil ..	63 5 0
" 11	Mary	Hawkesb'y	50	50	..	..	..	0 2 0
" 11	Govr. Bligh ..	New Zealand .....	..	..	..	..	13000 Seal Skins and 2½ Tons of E. Oil.	86 0 0
" 16	Hope	Hawkesb'y	220	20	..	..	..	0 2 0
" 17	Hawkes'y Packet.	New Castle .....	..	..	..	18	..	13 15 0
" 18	Mary Ann	Do. ....	..	..	..	22	..	16 15 0
" 18	Betsey	Hawkesbury	350	..	..	..	..	0 2 0
" 23	Active	New Zealand .....	..	..	..	..	159 Spars and ½ Ton Flax.	0 5 0
" 28	Cumberland ..	Macq. Isl'd .....	..	..	..	..	44½ Tons of Oil ..	88 18 4
								644 11 1

Naval Office, Sydney, JOHN PIPER, Nav'l Officer.
31st day of March, 1815. E.E.

SAILINGS of Colonial Vessels from Port Jackson from the 1st day of January to the 31st day of March, 1815.

Sailings of
colonial vessels
from Port
Jackson.

Date.	Vessel's Name.	Where bound.	General Cargo.	Duty.
Jany. 4	Mary	Hawkesb'y	Ballast	£ s. d.
" 5	Geordy	Do.	Do.	0 2 0
" 9	Union	Do.	Do.	0 2 0
" 11	Hope	Do.	Do.	0 2 0
" 11	Hawkes'y Packet ..	Do.	Do.	0 2 0
" 14	Eliz. and Mary	Macquarie Isl'd	Do.	0 5 0

1815.
24 June.SAILINGS of Colonial Vessels from Port Jackson—*continued.*Sailings of
colonial vessels
from Port
Jackson.

Date.	Vessel's Name.	Where bound.	General Cargo.	Duty.
Jany. 16	John Palmer	New Castle	Ballast	£ s. d. 0 5 0
„ 24	Windsor	Hawkes'y	Do.	0 2 0
„ 31	Betsey	Do.	Do.	0 2 0
„ „	Mary Ann	New Castle	Do.	0 5 0
Feby. 11	Govr. Hunter.....	Kangaroo Isl'd	Do.	0 5 0
„ 13	Mary Ann	New Castle	Do.	0 5 0
„ 16	John Palmer	Do.	Do.	0 5 0
Mar. 2	Mary Ann	Do.	Do.	0 5 0
„ 3	Hawkes'y Packet ..	Do.	Do.	0 5 0
„ 10	Improvement.....	Hawkes'b'y	Do.	0 2 0
„ 11	Recovery	Do.	Do.	0 2 0
„ 12	Elizabeth.....	Derwent	Sundry Merchandize	0 5 0
„ 14	Geordy	Do.	Do.	0 5 0
„ 18	Govr. Macquarie ..	Otaheite	Ballast	0 5 0
„ „	Queen Charlotte ..	Marquesas	Do.	0 5 0
„ 20	Hawkes'b'y Packet .	New Castle	Do.	0 5 0
„ „	Mary Ann	Do.	Do.	5 0
„ 30	Betsey	Hawkes'y	Do.	0 2 0
„ 31	Mary	Do.	Do.	0 2 0
				£4 12 0

Naval Office, Sydney,

JOHN PIPER, Nav'l Officer.

31st day of March, 1815. E.E.

[Enclosure No. 13.]

Account of the
police fund.THE ACCOUNT of the Colonial Police Fund from 1st July, 1814, to
31st March, 1815, Inclusive.

[A copy of this enclosure will be found in a volume in series II.]

[Enclosure No. 14.]

Report of
criminal trials.REPORT of Prisoners tried by the Criminal Court at Sydney from
the 1st of October, 1814, to 1st of June, 1815, Inclusive.

[A copy of this report will be found in a volume in series IV.]

[Enclosure No. 15.]

Returns of
convicts.A RETURN of the Names of Male and female Convicts, Arrived
in the Colony from England and Ireland from the 1st of
July to the 31st December, 1814, Inclusive.[This return specified the particulars of three hundred and
sixty-three male and one hundred and eighteen female convicts,
who arrived in the ships Somersetshire, Broxbornebury, and
Surrey.]

[Enclosure No. 16.]

EXTRACT from Returns of Births, Deaths, and Marriages at
Sydney, Parramatta, &c.1815.
24 June.Return of
births, deaths,
and marriages.

District.	For quarter ending.	Number of		
		Births.	Deaths.	Marriages.
Sydney	30th September, 1814	29	24	13
"	31st December, 1814	30	31	9
Parramatta	30th September, 1814	13	10	14
"	31st December, 1814	7	8	30
Hawkesbury	30th September, 1814 .....	...	5	...
"	31st December, 1814	13	6	11
Liverpool	30th September, 1814	7	4	...
"	31st December, 1814	3	2	..
Hobart Town	30th September, 1814	12	3	3
"	31st December, 1814	14	4	16

[Enclosure No. 17.]

A LIST of Persons holding Civil and Military Employments in New
South Wales and its Dependencies. Sydney, 1st June, 1815.Return of civil
and military
officers.

Names.	Appointments.	By whom Appointed.	Yearly Salary.	Remarks.
L. Macquarie, Esqre.	Governor.....	The Crown	£ s. d. 2000 0 0	
Geo. Molle	Lieut Governor.....	Do.	400 0 0	
Ellis Bent	Judge Advocate.....	Do.	1200 0 0	
J. H. Bent	Judge	Do.	800 0 0	
William Moore	Solicitor to the Crown..	Do.	300 0 0	
J. T. Campbell	Sec'y to the Governor..	Govr. Macquarie	282 10 0	
William Gore	Provost Marshall	The Crown	91 5 0	
John Piper	Naval Officer	Do.	receives 5 per Cent on Duties Collected.	
Alfred Thrupp	Ass't Do.	Govr. Macquarie		
Robert Watson	Harbour Master	Do.	50 0 0	
Geo. Dowling	Wharfinger.....	Do. ....	.....
James Stewart	Ass't Do.	Do.		
John Oxley	Surveyor General.....	The Crown	273 15 0	
James Meehan	Dy. Surveyor General..	Govr. Macquarie	136 17 6	
D'Arcy Wentworth	Principal Surgeon.....	The Crown	365 0 0	
James Mileham.....	As-sist. Do.	Do.	182 10 0	
Willm. Redfern	Do. Do.	Do.	136 17 6	
Edward Luttrell	Do. Do.	Govr. King	136 17 6	Colonial only
William Evans	Do. Do.	Govr. Macquarie	91 5 0	Ditto
H. St. Jno. Younge	Do. Do.	The Crown	91 5 0	
Rev'd. S. Marsden	Principal Chaplain	Do.	350 0 0	
" Wm. Cowper	Ass't Do.	Do.	260 0 0	
" H. Fulton	Do. Do.	Do.	182 10 0	
" R. Cartwright	Do. Do.	Do.	240 0 0	
" B. Vale	Do. Do.	Do.	182 10 0	
William Cosar	Boat Builder	Govr. Macquarie	91 5 0	
J. W. Lewin	Coroner	Do.	80 0 0	
Thomas Hobby	Ass't Do.	Do.	40 0 0	
Mich'l Robinson	Clk. in Secretary's Office	Do.	60 0 0	
Charles Gray	2nd Do. Do.	Do.	60 0 0	
Jos. Cowgill	3rd Do. Do.	Do.	25 0 0	
James Foster	Clerk to Judge Advocate	Do.	80 0 0	
William Roberts	Do. to Judge	The Crown	80 0 0	
D'Arcy Wentworth	Super't of Police	Do.	200 0 0	
Robert Jones	Ass't. Do.	Govr. Macquarie	60 0 0	
George Chartres	Clerk to Do.	Do.	30 0 0	
Rowland Hassall	Superintendent of Stock	Do.	100 0 0	

[Enclosure No. 17]—*continued.*A LIST of Persons holding Civil and Military Employments in
New South Wales, &c.—*continued.*

1815.
24 June.
Return of civil
and military
officers.

Names.	Appointments.	By whom Appointed.	Yearly Salary.	Remarks.
			£ s d.	
Thos. Arkell	Overseer of Stock	Govr. Macquarie	50 0 0	
James Blackman	Do. Do.	Do.	50 0 0	
Willm. Hutchinson	Super't of Convicts	Do.	75 0 0	
Rich'd Rouse	Do. Public Works	Do.	50 0 0	
David Langley	Do. of Smiths	Do.	50 0 0	
Samuel Bradley	Do. Carpenters	Do.	50 0 0	
Thomas Legg	Do. Bricklayers	Do.	50 0 0	
Rich'd Fitzgerald	Do. Windsor	Do.	50 0 0	
William Hill	Do. of Slaughter House.	Do.	50 0 0	
Geo. Salter	Do. at Castle Hill	Do.	50 0 0	
Rich'd Lewis	Do. of New Road	Do.	50 0 0	
A. Hutchinson	Do. of Mills	Do.	30 0 0	
Francis Oakes	Do. at Parramatta	Do.	50 0 0	
Do.	Do. of the Factory	Do.	50 0 0	
N. Devine	Late Superintendent	The Crown	45 0 0	
John Redman	Chief Constable	Govr. Macquarie	60 0 0	
William Thorn	Ass't to Ditto	Do.	10 0 0	
Daniel Cubitt	Gcaler	Do.	60 0 0	
William Davidson	Ass't Do.	Do.	20 0 0	
5 District Constables		Do.	50 0 0	
Richard Wade	Steeple Keeper	Do.	10 0 0	
John Austin	Clock Do.	Do.	10 0 0	
Geo. Howe	Government Printer	Do.	60 0 0	
Mrs. Martin	Govt. Ho. Keeper Par- ramatta.	Do.	20 0 0	
MILITARY EMPLOYMENTS.				
Capt. H. C. Antill	Major of Brigade	Govr. Macquarie	182 10 0	
Lieut. J. Watts	Aid de Camp	Do.	182 10 0	
Chas. McIntosh	Barrack Master	Do.	100 0 0	
Captain M. Gill	Engineer	Do.	182 10 0	
John O'Hearne	Ass't Do.	Do.	45 12 6	
Lieutenant Thomp- son.	Commandant @ New- castle.	Do.	91 5 0	
Chas. Whalan	Serjeant	Governor's Guard of Light Horse.	0 1 6	per Day
Thos. Tollis	Corporal		0 1 0	
Jos. Craddock	Private		0 0 6	
George Lawson	Do.		0 0 6	
Thomas Evans	Do.		0 0 6	
Henry Newman	Do.		0 0 6	
Thomas Humphries	Do.		0 0 6	
Thomas Field	Do.	0 0 6		
HOBART TOWN.				
Thomas Davey Esqre.	Lieut. Governor	The Crown	800 0 0	
Edwd. Abbott	Dy. Judge Advocate	"	.....
Martin Tims	Provost Marshall	"	.....
Jn. Drummond	Naval Officer	"	91 5 0	
Revd. R. Knopwood	Chaplain	"	182 10 0	
Wm. Hopley	Surgeon	Govr. Macquarie	182 10 0	
G. Wm. Evans	Dy. Surveyor of Lands	Do.	91 5 0	
J. B. Boothman	Superintendent	Do.	50 0 0	
Rd. Crowther	Do.	Do.	50 0 0	
PORT DALRYMPLE.				
Major Jno. McKenzie	Commandant	Govr. Macquarie	182 10 0	
Jacob Mountgarrett	Surgeon	The Crown	182 10 0	
John Smith	Ass't Do.	Do.	136 17 6	
Richard Dry	Superintendent	Govr. Macquarie	50 0 0	
Thomas Massey	Do.	Do.	50 0 0	
Richard Sides	Do.	Do.	50 0 0	
David Rose	Do.	Do.	91 5 0	
Thomas McQueen	Schoolmaster	Do.	20 0 0	

L. MACQUARIE, Govr. in Chief of N. S. Wales.

GENERAL STATEMENT of the Inhabitants in New South Wales as per General Muster taken by His Excellency Governor Macquarie and Deputy Assistant Commissary General Broughton, from the seventeenth day of October to the sixteenth day of November, 1814, inclusive.

MACQUARIE TO BATHURST.

599

	Civil Department Victualled.													Military Department Victualled.																		
	Governor and Commander in Chief.	Secretary to the Governor.	Naval Officer.	Judges.	Provost Marshall.	Clergymen.	Principal Surgeon.	Assistant Surgeons.	Surveyor General of Lands.	Deputy Surveyor.	Boat Builder.	Clerks and Superintendants.	Women at ½.	Children at ½.	Total of the Civil Department Victualled.	Lieutenant Colonel.	Major.	Captains.	Lieutenants.	Ensigns.	Paymaster.	Adjutant.	Quarter Master.	Surgeon.	Assistant Surgeon.	Serjeants and Corporals.	Drummers and Fifers.	Privates.	Women at ½.	Children at ½.	Total of the Military Department Victualled.	
Sydney	1	1	1	2	1	2	1	2	1	1	1	10	9	16	49	1	1	8	12	2	1	1	1	1	1	1	58	15	457	105	176	840
Parramatta						1		1				5	4	12	23			1	1								2	8	81	38	68	109
Windsor						2		1					2	2	8				1								16	17	14	45	75	
Liverpool																																
Colonial Vessels																																
Newcastle								1				1	2	3	7				1								2	1	29			33
Grand Total.....	1	1	1	2	1	5	1	5	1	1	1	17	17	33	86	1	1	9	15	2	1	1	1	1	1	70	18	584	157	289	1151	

1815.
24 June.
General statement of
inhabitants
in the colony.

1815.
24 June.
General
statement of
inhabitants
in the colony.

[Enclosure No. 18]—*continued.*
GENERAL STATEMENT of the Inhabitants in New South Wales, &c.—*continued.*

	Commissariat Staff Victualled.				Free Persons Victualled.				Prisoners Victualled.				Rations.				Persons not Victualled.				Total Number of Souls in the Settlement.		
	Total of the Commissariat Staff Victualled.				Total of Free Persons Victualled.				Total of Prisoners Victualled.				Total of Persons Victualled.				Total of Persons not Victualled.						
	Deputy Commissary General.	Assistant Commissary General.	Deputy Assistant Commissary General.	Clerks.	Men.	Women at $\frac{2}{3}$ s.	Children at $\frac{1}{3}$ s.	Total of Free Persons Victualled.	Men.	Women at $\frac{2}{3}$ s.	Children at $\frac{1}{3}$ s.	Total of Prisoners Victualled.	At Full.	At Two thirds.	At Half.	At One third.	Total of Full Rations.	Men.	Women.	Children.		Total of Persons not Victualled.	
Sydney	1	1	1	2	157	62	128	347	722	66	45	833	1465	137	294	176	1811	2072	1422	1030	1140	3592	5604
Parramatta	1	1	1	2	103	41	95	239	301	150	69	520	506	195	214	68	765 $\frac{3}{4}$	983	1014	404	355	1769	2756
Windsor	1	1	1	1	37	25	36	98	125	10	2	137	187	37	54	4 $\frac{1}{2}$	254 $\frac{1}{2}$	323	1177	499	1443	3119	3442
Liverpool	1	1	1	1	12	13	30	55	62	2	5	69	74	15	35	..	101 $\frac{1}{2}$	124	382	149	177	708	832
Colonial Vessels	1	1	1	1	27	15	5	27	149	39	11	206	187	56	26	..	27 $\frac{1}{2}$	27	123	..	1	123	150
Newcastle	1	1	1	1	3	15	27	23	149	39	11	206	187	56	26	..	237 $\frac{1}{2}$	269	..	2	..	3	272
Grand Total	1	1	1	4	339	156	294	789	1359	267	139	1765	2446	440	823	289	3196 $\frac{3}{4}$	3798	4118	2084	3116	9318	13116

Memo.—The Military Department consisted of the 46th Regiment, with 2 Captains, 4 Lieutenants, 23 Sergeants and Corporals, 3 Drummers, 253 Privates, 46 Women, 90 Children of Royal Veteran Company and Detachment of 1st Bat'n 73rd Regt.

Sydney, New South Wales, 16th November, 1814.
L. MACQUARIE,
Govr. in Chief of N. S. Wales.

STATEMENT of the Land in Cultivation, etc., The Quantities of Stock, etc., as accounted for at the General Muster in His Majesty's Colony of New South Wales, taken by His Excellency Governor Macquarie and Deputy Assistant Commissary General Broughton, from the 17th October to 16th November, 1814.

	Acres in								Total Held.	Horses.	Horned Cattle.	Sheep.	Goats.	Hogs.	Bushels of	
	Wheat.	Maize.	Barley.	Oats.	Pease & Beans	Potatoes.	Garden.	Fallow.							Pasture.	Wheat.	Maize.
The Crown .....	..	..	..	..	..	..	..	..	....	65	3228	1546	....	....	....	....
Sydney	517	597	18	8	..	49	213	4578	57707	817	10488	10233	216	1518	179	1824
Parramatta	1616	1026	79	48	15	62	214	3940	57355	530	4921	29579	246	1603	538	2522
Windsor	5350	3336	381	184	13	341	116	8864	21645½	611	4111	18864	627	6710	1171	10290
Liverpool	1088	919	59	15	5	60	63	1020	20592	239	3743	8554	59	1090	99	579
Newcastle	42	39	1	..	..	1½	3	14	169½	....	10	49	....	88	....	49
Total mustered	8613	5917	538	255	33	207	609	18416	157469	2262	26501	74825	1148	11009	1987	15364

Sydney, New South Wales, 16th November, 1814.

L. MACQUARIE,

Govr. in Chief of N. S. Wales.

1815.
24 June.

Returns of
agriculture and
live stock.

1815.
24 June.

Returns
relating to
settlements at
Hobart and
Port Dalrymple.

[Enclosures Nos. 20 and 21.]

[These two enclosures consisted of returns relating to the settlements at Hobart Town and Port Dalrymple, and were similar in character to those relating to New South Wales in enclosures numbered 18 and 19. Copies of the two returns will be found in a volume in series III.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 44, per ship *Fanny*; acknowledged by Governor Macquarie, 18th March, 1816.)

26 June.

Pardons for
Bostock and
McQueen.

Sir,

Downing Street, 26th June, 1815.

I transmit to you herewith the within Pardon, which H.R.H. The Prince Regent has been pleased to grant to Robt. Bostock and John Macqueen.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 19th June, 1815.

I am directed by Lord Sidmouth to transmit you the within Pardon, which His Royal Highness The Prince Regent has been Pleased to grant unto Robert Bostock and John Macqueen, who are now at New South Wales under a Sentence of Transportation passed on them at Sierra Leone; And I am to desire that you will lay such Pardon before Lord Bathurst and move His Lordship to be Pleased to forward the same to the Governor of New South Wales, in order that the Prisoners may receive the benefit thereof.

I am, &c.,

J. BECKETT.

[Enclosure No. 2.]

WARRANT FOR PARDON OF ROBERT BOSTOCK AND JOHN MCQUEEN.

In the Name, &c.

George P.R.

WHEREAS Robert Bostock and John McQueen were at a General Quarter Sessions of the Peace, holden at Free town in the Colony of Sierra Leone on the 23d day of July, 1813, tried and convicted of having feloniously traded in Slaves contrary to the act passed in the 51st year of our Reign, and were Sentenced to be transported respectively for 14 Years. We, in consideration of some favorable circumstances humbly represented unto us in their Behalf, are graciously pleased to extend our Grace or Mercy unto them, to grant them our free Pardon for their said Crime. Our Will and Pleasure, therefore, is that you cause them, the said Robt. Bostock and John McQueen, to be forthwith

Warrant for
pardon of
Bostock and
McQueen.

discharged out of Custody, and for so doing this shall be your Warrant. Given at our Court at Carlton House, the 12th day of June, 1815, in the 55 year of our Reign.

By Command of H.R.H. The Pr. Regent, In the Name, etc.,
SIDMOUTH.

1815.
26 June.

Warrant for
pardon of
Boscock and
McQueen.

To Our Trusty and Well Beloved Our Governor of the Settlement of New South Wales, and all others whom it may concern.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 45, per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 26 June, 1815.

I transmit you herewith for your information and guidance the Copy of a letter from the Secretary of the Treasury, enclosing one received from the Agent for New So. Wales.

I have, &c.,
BATHURST.

[Enclosure No. 1.]

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 31st March, 1815.

I have it in Command from the Lords Commissioners of His Majesty's Treasury to transmit to you the accompanying Copy of a Letter from Mr. H. J. Addington, Agent for New South Wales, respecting the payment of the Salaries of Govr. Macquarie and Mr. Alt, upon the production of Certificates instead of through the medium of Bills drawn by the Commissary, as suggested in a Letter from this Board in December, 1812; and with reference to the said Letter from their Lordships, I am to acquaint you for Lord Bathurst's information that My Lords have in the Cases, adverted to by the Agent, authorized him to pay the Salaries; but I am to desire you will move his Lordship to convey instructions to the Governor of New South Wales to follow implicitly in future the mode pointed out by the said Letter for the payment of those Salaries.

Method to be
adopted for
payment of
salaries of
Macquarie
and Alt.

I am, &c.,
S. R. LUSHINGTON.

[Enclosure No. 2.]

MR. J. H. ADDINGTON TO SECRETARY HARRISON.

Sir, 44 Stafford Place, 24th Feby., 1815.

I beg leave to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that the Agents to Govr. Macquarie and Mr. Alt (a retired Officer on the Civil Establishment of New South Wales) have called upon me for the

1815.
26 June.
—
Payment of
salaries of
Macquarie
and Alt.

payment of their respective Salaries for part of the year 1814 upon Certificates; but as the Treasury Minute, date 15th Decemr. 1812 (Copy of which I had the honor of receiving enclosed to me in your Letter of the 30th of that Month), directs that no Salaries whatever, becoming due to the Several Officers upon the Civil Establishment subsequent to Christmas, 1813, should be paid in this Country upon Certificates; But that the Commissary in the Colony should half yearly draw Separate Bills upon the Agent in favor of each Individual entitled to a Salary for the amount thereof;

I have to request that you will be pleased to lay these circumstances before the Treasury Board, and favor me with their Lordships' Instructions how I am to act on this Occasion.

I am, &c.,

J. H. ADDINGTON.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A private letter, per ship Mary Anne; acknowledged by Governor Macquarie, 22nd March, 1816.)

27 June.

27th June, 1813.

[A copy of this letter recommending Mrs. Collicott and family is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mary Anne.)

28 June.

Sir,

Downing Street, 28th June, 1815.

Recommend-
ation of
Thomas
Hannant
as a settler.

Earl Bathurst having given permission to the Bearer, Mr. Thomas Hannant, to proceed as a Settler to New South Wales, I am directed by his Lordship to acquaint you that he will embark in the ship "Mary Anne," and to desire that you will grant him an Allotment of Land in proportion to his Capital with the other Encouragement allowed to Settlers of the same Class.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 of 1815," per ship Sydney Packet: acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Government House, Sydney, 28th June, 1815.

Importance of
the government
printing press.

1. The Government Printing Press at this Place being of very great Importance in the giving Publicity to the Several Proclamations, Orders and Advertizements of this Government,

it Consequently becomes Necessary that it Should be regularly Supplied with All the printing Materials and Stationary, requisite for an Establishment of that Nature; and, the Printer of our *Sydney Gazette* having lately made an Application to Me for a Supply of these Articles, I take the Liberty of transmitting Your Lordship a Copy of the Demands made by him, and respectfully Solicit your Lordship to be pleased to give orders for those Articles to be procured and Sent hither by an Early Opportunity.

1815.
28 June.

Requisitions
for printing
materials
and paper :

2. Mr. Oxley, the Surveyor General, in a Letter addressed to me under the present date, having represented that in his Official Capacity he is much in want of Certain Surveying Instruments, and of drawing paper of the largest Size to make his Charts upon, I do myself the Honor to transmit Your Lordship a Copy of that Letter, and also of the Demand, which accompanied it, and request that Your Lordship will be pleased to give Orders for the said Demand being Complied with by the same Opportunity with the printing Materials.

for surveying
instruments and
drawing paper :

3. Being Informed that the Nautical Surveys of the late Captn. Flinders, and the History of his Voyage along the Coasts of this Country, have been published* under the Authority of the Board of Admiralty, I avail Myself of this Information to State to Your Lordship that the Surveys and Charts of Mr. Flinders, with the History of the Coast Connected therewith, would Afford the Government of this Country Very great Service, as Documents of Established Authenticity, to resort to for Occasional References; and I thereon beg Leave to request that Your Lordship will be pleased to give Orders for the Work and Charts of Captn. Flinders to be provided and Sent hither for the Use of this Government.

and for copies
of charts and
account of
voyage of
M. Flinders.

4. I further do Myself the Honor to transmit Your Lordship a Letter, addressed to Me by Mr. Wm. Broughton, Actg. Assist. Commissary General on this Station, Soliciting that his Mother and a Mr. Richard Tress (his Brother in Law) with their respective Families may be permitted to Come out from England to this Colony as Settlers. In Consideration of Mr. Broughton's long and faithful Services under this Government, I feel myself Called on to recommend his Application in this Instance to Your Lordship's most favorable Consideration, trusting that Your Lordship will have the Goodness to order a Passage for his Mother and Brother in Law, with their respective Families, on board of a Transport, when Accommodations Can be Conveniently Spared them.

Request for
free passage for
mother and
brother-in-law
of Wm.
Broughton.

I have, &c.,

L. MACQUARIE.

1815.
28 June.

Requisition
for printing
materials.

[Enclosure No. 1.]

A SCHEDULE OF MATERIALS

Requisite to supply the Government Printing Office at Sydney,
New South Wales, Most respectfully submitted to His Ex-
cellency the Governor and Commander in Chief,
By His Excellency's Most obedient very humble Servant,
GEORGE HOWE, Govt. Printer.

Long Primer, Roman, 350 wt. including an Extra Comple-
ment of Capital, Small Capitals, Figures, Full Points,
and Hyphens.

Long Primer Flowers, 12 lbs. of different Patterns.

English (with a bold face) 250 wt. Roman, 50 Wt. Italic.

French Canon, 8 Alphabets Rom. Caps., 4 ditto Ital. Caps.,
and 12 Lower Case Alphabets of each kind, with Points,
Spaces, etc., to correspond.

Six Lines Pica, 6 Alphabets Rom. Caps., 6 ditto Italic Caps.,
with a few Points and Justifgen to correspond.

Cast Leads, 30 lbs., Space Rules, 6 lbs.

12 Pair Cases, 1 Gross Brass Rule, 3 dozen Parchment, 50
Wt. Pearl Ash, 1 dozen Shooting Sticks, 6 Plainers,
6 Ball Stocks, and 100 wt. of Blackwell's Printing Ink.

June 10th, 1815.

[Enclosure No. 2.]

GEORGE HOWE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 27th June, 1815.

I respectfully beg leave to solicit Your Excellency's re-
commendation to His Majesty's Ministers to direct the importa-
tion by an early Conveyance of One hundred reams of double
Crown printing Paper of the first Class for the use of the Press,
which I have had the honor to direct for the term of fourteen
years,* the same being made chargeable to me on its arrival.

The general scarcity and consequent high price of Stationary
of all kinds, and particularly of the sized paper adapted to the
use of Printing, has ever had, I beg leave to assure Your Ex-
cellency, a very serious operation upon my finances, which Your
Excellency's condescending to accord to this request would essen-
tially relieve.

Confiding the favorable reception of this application to the
liberal attention, which Your Excellency is pleased universally
to manifest towards persons occupying Situations under Your
Excellency's Authority that are of utility to His Majesty's
Government in these Territories,

I beg leave to Subscribe, &c.,

GEORGE HOWE, Govt. Printer.

Requisition
for printing
paper.

* Note 137.

[Enclosure No. 3.]

1815.
28 June.

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 28th June, 1815.

I beg leave to enclose Your Excellency a List of Instruments and Papers necessary for the Use of this Station and Van Diemen's Land.

Surveyor's
instruments
and papers
required for the
settlements.

I have respectfully to acknowledge the receipt of the Instruments, sent by the Ship Indefatigable, which I am sorry to acquaint Your Excellency appear to be of a much inferior description to those formerly supplied. The Circumferenter, in particular, is from its defective construction useless for the purposes intended. The Glass Shade of the Artificial Horizon was broke from its being improperly Packed.

I have, &c.,

J. OXLEY, Surv.-Gen'l.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

A DEMAND for Instruments, etc., for the Use of the Surveyor-General's Department in New South Wales and Van Diemen's Land.

Requisition
for surveyor's
instruments and
stationery.

- 6 Circumferentors, with double Sights, of the largest Size Box, with Spare Needles for each.
- 12 Gunter's Chains.
- 6 Sets of Pocket Instruments, best Quality, with some Spare Compasses of small Size.
- 6 Pocket Compasses with Cards.
- 3 Proportional Compasses.
- 2 Portable Barometers for Altitudes.
- 2 Pocket Sextants (with Artificial Horizons).
- 2 Spare Artificial Horizons (Quicksilver).
- 3 Pedometers.
- 48 District Register Books, each Contain'g not less than 42 large fools. Bound, with Alphabets.
- 6 Dozen of Blank Pocket Memorandum Books, bound for field Use.
- 6 Blank Books, large Fol., with Alphabets for records.
- 1 Ream of the largest Size Elephant drawing Paper, single and double Wove, for district and General Charts.
- 12 Dozen of Black lead Pencils, H. and HH.
- India Rubber. Stationary of Sorts.

J. OXLEY, Surv.-General.

Sydney, N. S. Wales, 28th June, 1815.

1815.
28 June.

[Enclosure No. 5.]

DEPUTY-COMMISSARY BROUGHTON TO GOVERNOR MACQUARIE.

Sir,

Sydney, 26th June, 1815.

Application of
Wm. Broughton
for a free
passage for
R. Tress and
family.

Having received several Letters from my Brother in Law, Mr. Richard Tress, soliciting I would exert myself in his favor with Your Excellency towards obtaining a Letter of recommendation for his coming to this Country with his Wife and family, consisting of my Mother and three Children, as Settlers,

I beg leave to observe to Your Excellency that my Brother is a useful Mechanick, and has been employed as a Ship wright at the King's Dock Yard at Chatham; but, from the recent Peace, there can be no doubt a reduction of these useful Artisans must take place, and it is on this Account that he is more anxious to come to this Country.

With regard to my Brother and his family, I will pledge myself to put them in possession of £400's worth of Stock on their arrival, and I will also be answerable that they shall in no wise become burthensome to Government after the expiration of the term of Victualling.

If, from the length of my Services in this Country, Your Excellency may not deem my request unreasonable, I feel persuaded that you will recommend my Brother and his family to the favorable consideration of His Majesty's Secretary of State for the Colonies.

I have, &c.,

W. BROUGHTON.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 of 1815," per ship Sydney Packet; acknowledged by Earl Bathurst, 18th April, 1816.)

30 June.

My Lord, Government House, Sydney, 30th June, 1815.

In my Dispatch No. 7 by the present Opportunity, I mentioned that, on my leaving Bathurst on my Return hither, I had directed Mr. Evans to pursue his Discoveries as far Westward as his Supply of Provisions, the Nature of the Country, and other Circumstances would permit.

Return of
G. W. Evans
from his
exploring
expedition to the
Lachlan river.

I have now very great Satisfaction in being enabled to report to Your Lordship that Mr. Evans and the Persons, who Attended him, have returned hither Safe after a Journey,* which occupied them one Month from their Departure until their Return to Bathurst on the 12th Inst. Mr. Evans, in the Course of this Journey, travelled about 142 Miles from Bathurst. Upwards of 100 of which were due West, and the remainder Arose from Occasional Digressions to the North and South.

* Note 138.

I have not had time to peruse with Attention the Journal kept by Mr. Evans on this Occasion, but, from what I have read of it and his personal Report, I have every Reason to believe he has travelled over a very great Extent of Country possessed of Many and very important Advantages for a Numerous Population. Among other things, he has brought Specimens of Lime Stone, which prove to be of the best Quality, and will of Course be of Infinite Service whenever Colonization shall take place there. He has also brought me a very Unusual and extraordinary Production, to which I am not enabled to give a proper or Scientific Name. It possesses much of the Sweetness and Flavour of *Manna*, but in appearance is different, being very white and of a roundish irregular Surface, not unlike the rough Outside of Confectioners' Comfits and about the Size of large Hail Stones. From any thing I Can learn from Mr. Evans, this is not the production of any Insect, Tree, or Vegetable of that part of the Country; and I am thence led to Conjecture that it is a production of the same nature of that which is found in Arabia, and there called "Wild Honey" or "the Almighty's Sugar Plumbs," and Considered as a Dew. I do myself the Honor to transmit a Small Phial, with Some of this remarkable Production in it, for your Lordship's Inspection. Mr. Evans has Observed to me that in the parts of the Country where he found this Substance most plentiful, he there saw Kangaroos in Numerous Flocks like Sheep and Wild Fowl equally abundant, and Also met with Several Natives.

1815.
30 June.

Discoveries
made by
G. W. Evans.

In the Account I published of my own Tour over the Blue Mountains, I accidentally Omitted to Observe that I had fallen in with Some of the Natives. On my Arrival at Bathurst on the 4th of May, I found there three Native Men and Six Children, Standing with Some of our Working Party; they appeared Much Alarmed, particularly at the Sight of Our Horses; but in a very short time their Apprehensions Ceased and they became quite familiar in their Manner, Eating whatever was offered to them, and Appearing very proud of some little Articles of Dress which were given them; frequently during My Stay Afterwards, Small Parties of Men and Boys Came in, and I always gave them Meat and Some Articles of Slop Clothing and Tomahawks, with which they seemed much pleased. These Natives are very like those in the Neighbourhood of Sydney, tho' rather better looking and Stronger Made. Some of them were blind of one Eye tho' not always on the Same Side, and their Language being altogether dissimilar to that of the Natives to the East of the Mountains, I could not learn whether their being blinded was the Result of a Custom, or Merely Accidental. A Native from this Side of the

Intercourse
of Macquarie
with natives at
Bathurst.

Account of the
natives in the
vicinity of
Bathurst.

1815.
30 June.

Account of the
natives in the
vicinity of
Bathurst.

Mountains, whom I had taken with me in the Hope that he might Assist as an Interpreter, in Case of Meeting with any Natives to the Westward, was much agitated at the Appearance of the Strangers, but afterwards endeavoured to hold a Conversation with them; this was however fruitless, as their Languages were Altogether different. These Men were Covered with Skins neatly Sewed together, the fur Side Inwards, and they had Curious Devices* on the Skin Side. On One of these I Observed, with not a little Surprize, as regularly a formed St. George's Cross as Could be made, but Could not discover that it was Connected with any religious Ceremony; these figures are formed by the throwing up of the Skin with a Sharp Instrument on the Outer Lines; they Certainly appear, by the Neat Sewing and Work on their Dresses, to have made some little Advance towards Civilization beyond what the Natives of this part of the Country have done. In other respects, they Appear perfectly harmless and In-offensive, and not at all Warlike, few of them Carrying any Weapons Whatever, but merely a Stone Instrument like an Axe, with which they cut their Steps up Trees, when in quest of the little animals which live upon them.

They brought no females with them on any of the Occasions I have been Mentioning; and I had not an Opportunity of seeing any of them, but an old and wretched looking Creature, Mere Skin and Bone, whom in One of my Rides from Bathurst I came up with Unawares, and the poor Creature Appeared much Alarmed.

Observations by
G. W. Evans.

By Mr. Evans's late Journal, it Appears that he has Seen Several Natives, Altho' All so wild that he Could hold no Inter-course with them. A Country, producing such a fine Article of Food as the Manna or Wild Honey I have described to Your Lordship, and Abounding with Kangaroos, Can Scarcely fail of being well peopled.

Journal of
G. W. Evans.

Your Lordship will receive herewith a Copy of Mr. Evans's Journal, which I trust will prove an Acceptable Report of the New Western Country; and by the Next Opportunity, I shall transmit Your Lordship the Chart of his Tour, which he has not been enabled to get perfected for the present Occasion.

Further
explorations
proposed.

It is My Intention to Send Mr. Evans on a further Tour of Discovery some time hence, When he Can be spared from his Duties as Land Surveyor in Van Diemen's Land; and it is My purpose to Instruct him to pursue a Western Course, as far as Circumstances will Admit, Until he shall fall in with the Western Ocean. In the pursuit of this Object, I have Sanguine Hope that he will meet with some great River,† which may probably fall into the Sea on that part of the Coast, bearing in a South

* Note 140. † Note 141.

Easterly Direction from Spencer's Gulph, which Captn. Flinders and all the former Navigators have left Unexplored. The Result of these Discoveries will, I trust, prove of no Small Importance at Some future Day to the Mother Country, and prove satisfactory to Your Lordship.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE JOURNAL* OF ASSISTANT-SURVEYOR EVANS.

To His Excellency Governor Macquarie, etc., etc., etc.

Saturday, May 13th, 1815.

I SHOULD have left Bathurst yesterday; when near ready to go, one of my Horses threw his Load, which damaged some of his tackling; repairs being necessary caused my delay until this Morning; my Course was S. 30° W. or thereabouts along the fine flat, named Queen Charlotte Vale. I halted near the junction of it with the Main Creek, which bears S. 20 W., having plains on both sides; the Vale is also clear of Timber; this day's journey is over exceeding good Land, well watered; distance from the Flag Staff, $8\frac{1}{4}$ Miles.

Sunday, 14th.

I follow the Vale, which still continues very good; at about 5 Miles, a fine Valley comes into it, bearing up S. 20 W., which is well watered; at $6\frac{1}{2}$ Miles, the Valley is rather contracted, and remains so a short distance, when it again opens, producing the rankest of Grass with ponds as before alternately; the Land is of the strongest nature; the hills that gradually rise on each side are covered with good pasture; the steepest of them grow serviceable Timber, namely Stringy Bark, which is a Tree most used in this part of the World; my distance is 10 Miles, the Ponds are then South about $\frac{1}{4}$ of a Mile, afterwards S. 30° W., when a number of Gullies come in from various points, which form the head of Queen Charlotte Vale.

Monday, 15th.

Lost the Horses; they were tied together, but not secured in a proper manner; the Men were in search of them, but returned without success late in the day. I then went myself, and had the good fortune to come upon their track; at length discovered them fast round a Tree in Princess Charlotte Valley; the walk afforded me an opportunity of seeing a part that was before obscured from sight by the Woods in travelling along the Ridge, I had the pleasure of conducting your Excellency round; had you seen it, you would have been much gratified; for the distance of 5 or 6 Miles, it is near $\frac{3}{4}$ broad, of rich Land, well watered, and the hills abound with the finest Timber I have yet seen.

Tuesday, 16th.

The first half hour's Chaining was tolerably good; but, for six Miles afterwards, it was extremely fatiguing along a Rocky and Bushy Ridge, which led me to the Centre of the three hills. I shewed you in our long Ride and which I have named "*Mount Macquarie*"; the three range in a direct line, bearing N.W. and S.E.; that to the S.E., measuring $\frac{3}{4}$ of a Mile from Mount Macquarie, I call "*Maclaine's Peak*"; the N.W. one is separated from

1815.
30 June.

Further
explorations
proposed.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

the others by a small Gully, and at the distance of about 2 Miles from Mount Macquarie, I have named "*Antill's Peak*"; they are most remarkable and conspicuous hills; I see no other in any direction of their shape; from these lofty eminences, I had a clear and perfect View of the Country. The S.W., West and N.W. is a series of high Mountainous hills, their tops shewing themselves at a great distance; in the direction of E. 20° S., about 15 Miles is a fine looking Country; there are plains, I suppose it, towards the head of Campbell River, as I can trace it down some distance; it continues round to S.E. If I cannot do better, or see a more satisfactory prospect Westward to-morrow, I shall travel South for 10 or 12 Miles, where, from present appearances, I think I may be able to wind round some hills again to the West; the hill at the end of my last Journey is W. 12° N. about 14 Miles. I was convinced, when there, I could not make further in a S.W. line, all my dependence is in getting South about; I halted at some Water holes running N.E.; they empty themselves into the River by way of *Queen Charlotte Vale* at the 8th Mile noted on the 13th Instant. I observed their Course from Maclaine's Peak. distance, 8 Miles.

Wednesday, 17th.

I perceived yesterday that Gullies take rise from the West and S.W., which I trace to a gap leading down to Princess Charlotte Valley. I travelled South to get clear of them. I continued so for 7½ Miles over hills and dales, through a thick Forest of good grown Trees; the Soil is Sandy but bears fine Pasture; at length, I ascend a ridge that shewed me a more open Country; ¾ of a Mile further, led me into a Valley with ponds of Water, in rainy seasons form a considerable Stream. distance, 9 Miles.

Thursday, 18th.

This reach of the Ponds bear down S. 20° W.; at 22 Chains is a small Valley on my right hand, to the head of it is about 10 Chains, surrounded with hills; under them is a Spring (I have named it "*Cox's Spring*") ; from it flows a stream that would fill the circumference of a Pint Pott, which the ponds receive; a short space onward they form a deep Rocky Creek. I therefore leave it, when my track is more westing over a fine grazing Country, well wooded, with Box and Stringy Bark Timber for three Miles; at this distance are again Ponds; I follow them into a Valley of excellent Land with fine Trees; I kept in it for 5 Miles and halted; some part of this Valley widens, in others it is rather narrow. The Hills grow fine Grass but poor Timber. distance, 9¼ Miles.

Friday, 19th.

After a Mile and half, finding the Valley bend off East of South, I followed a ridge; in the space of two Miles, I had ascended a very high Conical hill; the sight from it quite astonished me; the whole Country I suppose from 30 to 40 Miles from S.E. to S.W. is covered with Conic hills, which are lost to me in distant Mountains. I took a Man to examine a few Miles, and found that between each Chain of these pointed hills are ponds; in one of the Gullies is a small stream; with much difficulty I travelled down it to a Main one from the S.E.; to climb up the hills we were obliged to crawl upon our hands and knees: the whole of them are thinly wooded with small Crooked Gums and covered with good Grass; but the sharp Rocks render travelling disagreeable and bad. I

went among them, so far as to convince me that the principal Stream runs through a break, bearing near West; the last two Miles Chaining took me close upon three hours, nor could the Horses travel faster from slipping about; besides this is not half the difficulties, that appears before us, which I unavoidably experienced to make myself certain of the direction the Stream led. *Appledore* and myself returned much fatigued, I never was more so in my life; from a sudden slip in climbing the hills, I am quite unwell with a pain in my left side; I thought it would be labour in vain to penetrate into a Country, where I could not see a possibility for a Road to be made, or Horses to travel with loads in safety. I think best of returning to "Cox's Spring," from thence to take a Western Course for some distance, and endeavour to come near the break alluded to. distance $3\frac{1}{2}$ Miles.

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Saturday, 20th.

Travelled back to "*Cox's Spring*"; several heavy showers of rain fell to-day; it has dissolved a white sweet substance, that lay scattered quite thick on the Ground, particularly where the Grass was burnt; some Gallons might have been picked up in a very short time. I had previously collected a little; no doubt some scientific Gentleman may be pleased to give their opinion thereon.

distance $12\frac{3}{4}$ Miles back.

Sunday, 21st.

My direction is West Northing for near two Miles on a ridge covered with a Brush; the sides and Valleys bear excellent Pasture; the remaining part of this day's journey was through a fine Grassy Country over hills and dales, well watered, good Soil, thickly wooded with Box, Gum, and Stringy Bark Trees; I stoped on a low ridge, that divides two Valleys, one leading N.W., the other South. distance, $7\frac{1}{4}$ Miles.

Monday, 22nd.

I took a W. 20° S. direction through a fine Grazing Country, most part a thick Forest of various description of good grown timber; at five Miles is a Valley, which bears down West. I perceive it to open in places to about a $\frac{1}{4}$ of a Mile wide; at $6\frac{1}{2}$ Miles, I cross another leading to it from the South; the Main one bears off N.W.; rounding hills to the West again, where I halted, a strong stream runs down it in wet seasons. A remarkable round top'd high hill is now North of me, about 4 Miles, I have taken the liberty to name it "*Mount Lachlan*." distance $8\frac{1}{2}$ Miles.

Tuesday, 23rd.

There are hills a head. I thought a West Course would avoid them, but found I was necessitated to ascend, and the Ridge led me onward for Four Miles, when a prospect appear'd at which I was highly gratified. I never saw a more pleasing Country. I cannot express the pleasure, I feel, in going forward; the hills we have passed are excellent land, well wooded; to the South distant objects are obscured by high hills; in the S.W. are very distant Mountains; under them appear a Mist as tho' rising over a River; it has the like look round to West; but, beyond, the loom of low hills are very faintly distinguished; in the N.W. are high distant Mountains; one with a flat top bearing N. 70° W., I name "*Jamison's Table Mountain*."

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

The intermediate space is a grassy Country, thinly wooded; there are hills and dales; between some, appear Valleys clear of Timber; at a great distance is a remarkable Peaked hill standing alone, as it were, in the Centre of an immense flat Country. Finding a Valley with ponds led near N.W., my anxiety obliges me to deviate from the intended course to follow them; at a Mile and half is a clear hill on my right hand, which I have named "Mount Molle," and the fine Valley under it "Redfern Valley"; the end of Four Miles ponds form a junction from an E. 20° S. point down a spacious flat, I have called it "Meehan Valley." I then travel near West; at about a Mile other Ponds join the Main ones from the N.E., and at the end of to-day's journey they have almost the appearance of a River; there is no perceptible Stream, but some of the ponds are a $\frac{1}{4}$ and $\frac{1}{2}$ a Mile long. distance, 10 Miles.

Wednesday, 24th.

My Course was West for three Miles; it led me to the top of an high hill; the Water shewed itself about $\frac{1}{2}$ Mile North of me; on the South is an extensive flat; from the hill I travelled W. 20° S., two Miles; at one and half, I crossed a small Creek coming from the South leading to the Ponds; I then went on again West for 5 $\frac{1}{2}$ Miles, which brought me on a second hill; in following it down, I was rather North of West for upwards of a Mile, and there found a Creek bearing up South; I resolved on tracing it, which I did for three Miles North; here the points of the hills end in perpendicular heads 30 or 40 feet high, which is pure Lime Stone of a Misty Grey Colour; this Creek joins the bed of a River, rising in a N. 30° E. direction, now dry except in hollow places; it is full 70 ft. wide, having a pebbly bottom; on each side grow large swamp Oaks; I travelled down in the bed of it $\frac{3}{4}$ of a Mile near West, and halted greatly fatigued. The open Country and falling on the Water courses encouraged me so much that I made every exertion to push forward, besides being full of anxiety hoping soon to reach a River of some consequence. Every steep hill, between the Lime Rocks and Bathurst, may be avoided except two, and they are not worse than that at the Fish River. An handsomer and finer Country I never saw than what I have been over these last two Days; greatest part of the Land is good; Timber is its worst production; Kangaroos Emu and Wild Ducks are very numerous. distance 14 $\frac{1}{2}$ Miles.

Thursday, 25th.

The Lime Cliffs having the appearance of being very steep down the run, I thought it prudent to let the Horses have a day's rest; in the mean time I took Appledore with me to examine the Country; large Ponds of Water are now in the River Bed; they connect with each other by a small stream that I distinctly see to rise up between the Stones; its general course is W. 15° N. I walked down about Five Miles; it was impossible to proceed further as perpendicular Cliffs of Slate Rock prevents me; with much difficulty I got so far. The Stream is now equal to Macquarie River. I imagine it springs up, being certain the Channel receives the overflowings of the ponds I spoke of on Tuesday; The Lime Stone Rocks do not continue Westward more than a Mile from our halting place. On leaving the Water, I made for the high Peak, which bore S. 40° E. about three Miles; it was a fatiguing matter to reach the top and feel happy I did so, as it convinced me I could not go on in a West

direction, as I should be impeded by high head lands and Gullies. I found I must be necessitated to travel three or Four Miles South; then a S.W. direction has the appearance of taking me into a level Country; therefore returned with a determination of carrying that plan into effect to-morrow. I named the Peak "*Mount Lewin.*"

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Friday, 26th.

I travelled S. 30° E. for 3 Miles, then S.W.; at Four Miles, I came upon some empty Ponds; at 5½ Miles are more Lime Rocks; on account of the dryness of the Season, Water is scarce; the large Water holes were empty; our search for it down them caused a tedious day's measuring; the Country is level, thinly wooded, and good land. I hope to-morrow's travelling will meet my expectations.
distance 12¼ Miles.

Saturday, 27th.

My day's Journey was over a level open Country, thinly wooded with Box Trees; at 6½ Miles S.W. I ascended a hill; from it I distinguished Plains; the North one bore W. 22° S., which I made for in hopes I should find a River, and that it would tend S.W., as it appears an even space for 30 or 40 Miles; I am sure I can see that distance, no hill or object stands in the way to impede my sight; it is likewise a fine looking Country, quite level in a N. 60° W. Point.

On descending the hill, I found the Soil a Red Loom, bearing poor Grass; at three Miles, Pine Trees are intermixed with the Box, which grow from 30 to 40 feet high without a Branch and quite straight; at 3½ Miles, the Grass is better; instead of Box Trees, Gums are thinly scattered. Four and three Quarters of a Mile brings me into a fine flat of rich Land; and at 5½, I arrive on the bank of a River, but am much mortified to see the stream run N.W.; as I intend to follow it, I shall not have time to go up to the plains. A very little Rain would make this River Navigable for Boats; the Banks are steep as the South Creek at Windsor, but much wider, and the Soil equally as Rich; there are exceeding large Gum Trees growing on each side.

From the hill, Natives smokes were discerned in many directions, and find they must be numerous indeed from the number of Fire places on the River Bank; it appears as tho' they had been lately successful in obtaining Emu, as I counted 23 large heaps of Feathers by their different Fire sides at this lately forsaken Camp.

distance, 12 Miles.

Sunday, 28th.

Being determined to see the Plains, I started at day break with a Man; in the space of an hour, we arrived on one this side of the River; it reached about a Mile, and is at least 1½ deep. I suppose I went up the River six Miles; the Plains are alternately on each, and nearly the same size; opposite to the Plains are Woodlands, and appeared to continue so for a great distance S. 30° W.; the River comes from about that point, and to the best of my Judgment the Stream empties into it that I mention on the 19th Instant; the Soil on the plains is very rich, and the woodlands are equally so; when about to return we saw a number of Natives; on making towards them, they run from us; all that I could do had no avail in having communication with them; it was past One O'Clock when we got back, and I was too fatigued to go down the River any distance, therefore remained to wash and clean ourselves; I have named the Plains "*Orley's Plains.*"

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Monday, 29th.

My general Course is about N.W. I find the Land as yesterday; this part resembles the Nepean flats, and is much flooded; but at about $\frac{1}{2}$ a Mile back on each side of the river is a second bank, quite safe from inundation; it has many sudden turns; at the lower end of a deep bite, I suppose half a Mile on the West side of the river, is a hill covered with Pines. The Gums continue very large and good, particularly those growing near the Water. This part of the Country is a second Hawkesbury; every thing is equal to it except the River, and am certain that in every Spring of the Year after a wet Winter, it is Navigable for Boats; considering the late drought, a strong stream runs now. 7 $\frac{1}{2}$ Miles.

Tuesday, 30th.

The Country continues as Yesterday; at a Mile before we stoped, the River inclined South of West; at our halting place a range of Rocky hills end; on them, grow Pine Trees. I was on the highest, from whence I had an extensive View; the Stream from the Lime Rocks I perceive to enter a Break bearing North of me, and still seems to run Westerly. I consider it likely to fall into the one I am now following. If I am not deceived from present appearances, I shall find this to bear off again North of West; it is extremely tedious tracing the river; I would willingly leave it to make the most of my time, but am prevented as I cannot cross; it would not answer to do so on this side, because the river inclines so much round to North, and it would be equally bad to pass many Rocky hills, which would hinder me travelling in a direct line. I am sorry the provisions will not admit of my going on more than two days.

7 $\frac{1}{2}$ Miles.

Wednesday, 31st.

The River took the direction I supposed N.W.; points of Rocky hills, every Mile or Mile and half, lead down to it; the flats continue rich Soil; on the S.W. side are no hills, but a continued space of level Rich Land, thinly wooded, except near the Water's edge, where the timber is good and very large; they are what is called Black Butted Gums; some of them are 8 and 10 feet in diamiter.

We see Natives two or three times a day; I believe we are a great terror to them; a Woman with a young Child fell in our way this afternoon, to whom I gave a Tomahawk and other trifles; she was glad to depart; soon after we suddenly came upon a Man, who was much frightened; he run up a Tree in a moment, carrying with him his Spear and Crooked throwing Stick; he hallowed and cried out so much and loud, that he might have been heard half a Mile; it was useless entreating him to come down, therefore stuck a Tomahawk in the Tree, and left him; the more I spoke, the more he cried out.

7 Miles.

Thursday, 1st June, 1815.

The River to-day is near West, and am clear of the points of hills; the Country is good indeed; these fine flats are flooded; there are rising Lands clear of it as I before stated, but no hill that will afford a prospect; to-morrow I am necessitated to return, and shall ascend a very high hill, I left on my right hand early this Morning. I could leave no mark here more than cutting Trees; on one situated in an Angle of the River and a wet Creek, bearing up North, I have deeply carved "*Evans 1st June 1815.*" The Country

continues good, and better than ever I expected to discover. I must defer making further remarks, until I have been upon the height I speak of.

7½ Miles.

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Friday, 2nd June.

In travelling back, I left the River; at about a Mile from it, the Land is not so Rich; the Soil changed to red loom, as deep colour'd as a burnt Brick, whereon the Grass is poor and the Box Trees small. I am glad to observe that the deficiency is made up by useful Pine Trees from one Inch to three feet in Diameter, as straight as Arrows, some of them at least 40 feet high before the Branches begin to shoot out; those, growing on what I term Pine hills, are stunted; the trunks of them rise but a few feet from the Ground before their Branches spread, which I think may be accounted for by those hills being chiefly a Mass of Granite Rock. I ascended the Height; no Country can possibly have a more interesting aspect; so much so that, if a further trace into the interior is required at a future period, I respectfully beg leave to offer myself for the Service. I see no end to travelling. I am deficient in abilities to describe it properly, but shall endeavour to do so by compareing the Country to an Ocean, as it is nearly level, with the Horizon from N.W. to S.W.; small Hillocks are seen at great distances of a pale Blue, shewing as Land appears when first discovered at Sea; Spaces clear of Trees may be imagined Islands, and the Natives Smokes, rising in various points, Vessels; it is a clear calm Evening near Sunsetting, which shewed every part advantageously.

The River I can distinctly discover to continue near due West, and rest confident that, when it is full, Boats may go down it in safety; my meaning of being full is its general height in moderate Seasons, which the banks shew, about Five feet above the present level; it would then carry Boats over Trees and Narrows that now obstruct the Passage; no doubt the Stream connects with Macquarie or some other River further West; the Channel then sure is of great magnitude; I should think so to carry off the body of Water that must in time of Floods cover these very extensive flats.

Saturday, 3rd June.

The Country is as before described; at a distance from the River, the Soil is a red loom, and the Points of the Hills alternately meet it. We have not caught any Fish; there are some very large, but could not see them distinct enough to know if they are of the same species as those in Macquarie River. Wild Ducks are very plentiful.

Sunday, 4th June.

It was a wet, uncomfortable Night; this Morning has every appearance of setting in so. I consider myself fortunate by the fine Weather holding up until now; we saw a number of Natives; they run immediately on seeing us; I would not allow them to be followed; it must be the Horses they are so much alarmed at.

Monday, 5th June.

Left the River, which I have now called "*The River Lachlan*." The Rain has fallen very heavy; we were completely washed up last Night; it extinguished our Fire, which made us still more uncomfortable, besides damaging my papers. I am fearful we shall experience the like this Evening, but have taken every precaution to prevent it.

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Tuesday, 6th June.

We reached Lime Stone Creek; the descent was not down so bad a hill as I expected; I cutt off about 6 Miles, and find abundance of Lime Stone more convenient upwards without going down the Creek at all, by which means a difficult road is avoided; there is also good Water and fine bottoms of Land, containing in each from 5 to 10 Acres, surrounded with Lime Stone Rocks; This is a fine Grazing Country with plenty of Wood.

Wednesday, 7th June.

The ascent from Lime Stone Creek is the steepest part in my way; I examined it particularly, and do not think it near so bad as the Fish River hill.* I left the height, mentioned on the 24th Ult., about a Mile North of me, and crossed the flat then spoke of, which is very extensive; it bears up South for some distance, then bends to the East and S.E. The Soil is Rich, and well watered by large Ponds; I have named this place "*Warwick Plains*."

Thursday, 8th June.

I made "*Mount Lachlan*" by way of Meehan Valley, supposing I could avoid the hill; I am sorry to say it was not the case; under Mount Lachlan, they close on each side of the Water with perpendicular Bluffs; during my way up, I crossed the Water Course several times quite dry over a pebbly bottom; I was astonished to see, as the meeting of the Hills confined the Channel, a rapid stream running over Rocks, which is lost underground down it Westward. This Hill is not so bad, yet if a better road was found it would be more convenient; it is not near so steep as any one between Mount York and the Fish River; I am sure by going a little to the South an easier ascent will be discovered.

The space of Country between Lime Stone Creek and Mount Lachlan, upwards of 20 Miles, is very pleasing and Picturesque, besides being as good as I am able to express it in point of Soil, Grass, Timber and Water; the Lime Stone is also at hand; The Mountains, I observed bearing N.W., are covered with Snow; I thought on my way out that their tops looked rather White; to-day it was distinguished as plain as I ever saw Snow on the Mountains in Van Dieman's Land; I never felt colder Weather than it has been some days past; we have broken Ice full two Inches thick.

Friday, 9th June.

The Country is Hills and Dales thickly wooded, rather over run with an evergreen Shrub that Cattle are fond of; between, it is as good Grass as the Country generally is covered with; the holes of Water at our halting place I imagine to connect with those I left this Morning, winding round through fine Valleys.

Saturday, 10th June.

This day's journey was through the worst part of the Country I have travelled over; it cutts off the track that took up 5 days' time, From the 17th to 21st Ult.

Sunday, 11th June.

I followed the ponds, I allude to on^d the 16th Ult., for some Miles, but was obliged to leave them at last on account of some steep Rocks obstructing Me; I sent a Man to meet me in *Queen*

* Note 142.

Charlotte Vale at the junction, which he did; I was there some time before him as he found it bad travelling down the run. My Motive was to discover a better road than that in my track out on the day abovementioned.

1815.
30 June.

The journal of
G. W. Evans on
his expedition
to the Lachlan
river.

Monday, 12th June.

Arrived at Bathurst, having experienced for these last six days extremely cold uncomfortable Weather, with Misty rain. My journal is short; but have endeavoured to state every thing, as it actually is, in as plain and correct a manner as I am capable of doing, that it should be clearly understood by any person, who may hereafter follow my Track.

I assure your Excellency, I have lost no time in persevering to reach Westward so far as is herein represented, and do at all times with the utmost pleasure strive to fulfil to your satisfaction, any wish or Commands I have the honor to be entrusted with.

I remain, &c.,

G. W. EVANS.

P.S.—I beg leave to state that the undernamed Persons were very attentive and Obedient to my Orders:—

George Kane, alias Thos. Appledore; James Butler; Patk. Nurns; also John Tyghe, who accompanied me each journey previous to this.

G. W. EVANS, Dy. Surveyor.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 10 of 1815," per ship Sydney Packet.)

Government House,

Sydney, New South Wales,

My Lord,

30th June, 1815.

I have the Honor of transmitting Your Lordship herewith the Series of the *Sydney Gazettes* from the 8th of October, 1814 (to which Period they were last sent), to the 24th Instant Inclusive.

Transmission
of copies of
Sydney Gazette.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Sydney Packet.)

Government House,

Sydney, N. S. Wales,

My Lord,

30th June, 1815.

This Letter will be delivered to your Lordship by Mr. Samuel Foster, a respectable Inhabitant of Sydney, who now proceeds to England in the Ship Sydney Packet for the Settlement of some Domestic Family concerns at Home, but purposes returning immediately afterwards again to this Country with

Recommend-
ation of
Samuel Foster.

1815.
30 June.

your Lordship's permission, which, I respectfully beg leave to solicit your Lordship will be pleased to grant him, whenever he applies for it.

Baking business
conducted by
Foster.

Mr. Foster is a Man of large Property in this Country and which he leaves in it. He has carried on a Baking Business at Sydney, on a great scale, for many years past, with credit to himself and advantage to the Public. From Mr. Foster's long residence in this Colony, he will be able to give your Lordship very correct information respecting it, being a well informed sensible and Modest Man.

Mr. Foster came out originally to this Country as a Convict, and is a strong proof that Persons of that description are Capable of being thoroughly reformed. I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "Private and Confidential," per ship Sydney Packet.)

Government House, Sydney, N. S. Wales,

1 July.

My Lord,

1st July, 1815.

Correspondence
with Bent,
Ellis and J. H.

Much as I have ever wished to avoid Contention and litigation, I have been very reluctantly and involuntarily drawn into a most disagreeable Correspondence with Mr. Ellis Bent, the Judge Advocate, and his Brother, Mr. Jeffery Hart Bent, the lately appointed Judge of the Supreme Court of this Colony.

I have found it necessary to transmit the whole of the Correspondence Officially for your Lordship's information and impartial consideration, appealing to your Lordship's justice for such decision thereon, as may prove sufficient to screen me in future from such gross insults, as have been recently offered to me in my Public Capacity, as Governor in Chief of this Territory, by Messieurs Ellis and Jeffery Hart Bent, in a manner so derogatory to my Rank, and so injurious to the tranquility and welfare of this Colony.

Opposition of
the Messrs.
Bent to
Macquarie's
government.

Those two Gentlemen, from the most vindictive and unworthy motives, have been for some time past doing all they could, and still continue doing all they can, to raise a Party and excite a Clamour against the Measures of my Government, and throw every odium upon them. How far they have any just grounds or reason to do so, time only and an impartial inquiry into my Conduct can develope.

Macquarie's
administration.

In the mean time, I am perfectly unconscious of having ever committed any Public or Private Act, during the time I have had the honor to administer the affairs of this Government, that I have any cause to be ashamed of or even sorry for. My whole

time and attention have exclusively been devoted to my Public Duty, which I can safely venture to affirm I have discharged with Zeal, honor, and incorruptible integrity. If I have erred in any thing, it is to be attributed alone to an error in Judgment. My Pride and ambition have ever been to improve and promote the welfare of the Colony, and to ameliorate the Condition of its Inhabitants. In both these respects I am happy to say I have hitherto succeeded far beyond my own most sanguine expectations.

1815.
1 July.
Macquarie's
administration.

I Consequently feel not a little mortified, after devoting my whole attention exclusively to these objects for the last Five Years and a half, that I should experience not only pointed Counteraction to my Public Measures, but also meet with gross insult from those who ought to be the first to support my authority, which these two Gentlemen treat not only with marked Contempt, but have set at defiance.

Under all these circumstances, it is utterly impossible that I can act with the Messieurs Bent, without a total abandonment of the Principles, by which I have been actuated and have acted upon since my first taking Charge of this Government; and consequently, it now becomes absolutely necessary for the good of the Colony (which it is my ardent desire to leave flourishing and happy), that *they*, or *I*, should be removed from it.

Necessity for
the removal of
Macquarie or
the Messrs. Bent
from office.

I therefore most respectfully take the liberty to solicit, that, in the event of the Conduct of the Messieurs Bent being approved of (which of course will be virtually disapproving of mine) by His Majesty's Ministers, your Lordship will do me the favor to move His Royal Highness The Prince Regent to be graciously pleased to accept of my Resignation as Governor of this Territory, and that a Successor may be appointed to relieve me as soon as a fit Person can be Selected for that purpose.

Tentative
resignation of
Macquarie.

I cannot, however, conclude this Letter without taking the liberty of freely and unreservedly giving it as my opinion, that should it be the pleasure of His Majesty's Ministers to sanction and approve the Principle attempted to be laid down and established by the Messieurs Bent for the Government of their respective Courts in this Country, it will be inflicting a wound on the Minds of Seven Eighths of the Inhabitants of this Colony, that never can be healed; and the consequence will be that the Country never can arrive at that pitch of General improvement, Commercial importance, wealth, and respectability, that might under a different System be expected.

Danger of
supporting the
principle laid
down by the
Messrs. Bent.

I trust your Lordship will kindly excuse my giving my opinion thus frankly; but I conceive my doing so, at this particular crisis, to be a Duty I owe to my King and Country, to the Colony

1815.
1 July.

I have the honor to govern, to the future happiness of its Inhabitants, and to my own feelings and sense of Public Justice.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship *Fanny*; acknowledged by Governor Macquarie, 18th March, 1816.)

7 July.

The battle of
Waterloo.

Sir,

Downing Street, 7th July, 1815.

I am directed by Lord Bathurst to transmit you an Extraordinary *Gazette* of the 22nd Ultimo, detailing a Glorious and most important Victory* obtained over Buonaparte by the Allied Armies under the Command of The Duke of Wellington and Prince Blucher, as well as another *Gazette* Published this Morning announcing the Entrance of the Allies into Paris.

I have, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 46, per ship *Fanny*; acknowledged by Governor Macquarie, 18th March, 1816.)

12 July.

Decision in
the case of
Theodore
Walker.

Sir,

Downing Street, 12 July, 1815.

Your Dispatch of the 17 Jan. 1814 with its Inclosures, respecting the Case of Theodore Walker,† Master of the Ship *Endeavour*, having been referred for the Consideration of Viscount Sidmouth; and his Lordship having deemed it proper to take the Opinion of H.M.'s Law officers thereupon: I have now the honor to transmit the Copy of their Report upon the said Case, and in Conformity with their Opinion have to desire that you will send Capt. Walker to England, together with the Witnesses, in order that he may be tried at the Admiralty Sessions under a Commission to be issued according to the Statute in that Case made and provided.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 28th June, 1815.

Having by Lord Sidmouth's Directions referred, for the Consideration of the Attorney and Solicitor General, Your Letter of the 1st of this Month with the Extract of a Dispatch therein inclosed from Governor Macquarie, at New South Wales, of the 17th January, 1814, and the Several Documents therein

Papers
submitted to
crown law
officers.

* Note 143.

† Note 144.

Specified, respecting the Case of Theodore Walker, Master of the Ship Endeavour, who stands charged with the Murder of a Lascar of the Name of Amile; I am now directed by Lord Sidmouth to transmit to you for the Information of Lord Bathurst the inclosed Opinion of the Law Officers on that Subject.

1815.
12 July.

I have, &c.,
J. BECKETT.

[Enclosure No. 2.]

LEGAL OPINION ON THE CASE OF THEODORE WALKER.

"It appears by the Deposition of the Witnesses that the deceased Amile had been guilty of Mutiny, Piracy, and Murder, for which he deserved the Punishment of Death, if it had been inflicted upon him through the medium of a Judgment of a Court of competent Jurisdiction; if he had been killed in the Conflict, which took place in the retaking the Daphne from the Mutineers and Pirates, or the preservation and Safety of the Ship had depended upon the putting him to death, it would have been no Crime in those who inflicted it. But it appears that all Contest was at an end, and that no necessity existed at the time which could in law justify Captain Walker in putting him to death. It is to be regretted that an Officer, who appears to have acted with so much propriety in the other parts of the Transaction as Captain Walker did, should have fatally and unfortunately been induced to act so rashly, as to have Yielded to the Impulse of the Feelings of the Crew or his own; but it is our Duty to say it appears to us that in Law the Crime amounts to Murder. No Man has a Right to inflict Death, as a Punishment, upon another, but in execution of some Sentence of the Law pronounced by a Court of competent Jurisdiction. We give this Opinion upon the Facts stated in the Depositions, because if it should appear that the exasperated Crew inflicted the Death without the Orders of Captain Walker, he will not be guilty of Murder.

Opinion of
law officers
on the case of
T. Walker
charged with
murder.

"As this offence was committed on board a Ship in the Bay of Matavai, it was within the Admiral's Jurisdiction; and therefore when the Prisoner and the Witnesses shall arrive in England, he will be liable to be tried at the Admiralty Sessions under a Commission to be issued pursuant to the Statute of the 28th Henry 8th, Ch. 15. Mr. Walker should be sent over to England for the purpose of being tried, and the Witnesses also, if they are in His Majesty's Service or liable to Orders, or can be persuaded to come; but there is no legal Process by which Witnesses, not in the Service, can be compelled to come if they should refuse.

"W. GARROW, S. SHEPHERD."

"2 Lincolns Inn, 21st June, 1815."

1815.
22 July.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch per ship Mary Anne; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 22d July, 1815.

I am directed by Earl Bathurst to transmit to you an Assignment of 101 Female Convicts, which have embarked in the Ship "Mary Anne" for the Colony under your Government.

I have, &c.,

BATHURST.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Baring.)

26 July.

Sir, Downing Street, 26th July, 1815.

Recommendation of major Campbell.

This letter will be delivered to you by Major Campbell, who is proceeding to New So. Wales to join his Regiment, the 46th. I beg to recommend him to your good offices during his Residence within your Government, and in the Event of his finding it necessary to make Application for leave of absence that you would afford him any assistance in your power to facilitate his return to England. I have, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 47, per ship Mary Anne; acknowledged by Governor Macquarie, 18th March, 1816.)

27 July.

Sir, Downing Street, 27th July, 1815.

Reception of captain Tucker at the Sandwich islands.

Captain Tucker of His Majesty's Ship Cherub, having represented to the Lords Commissioners of the Admiralty the friendly reception, which that Vessel experienced from the King of the Sandwich Islands during the period he remained at Owhyhee; and that it might greatly tend to the continuance of the same conduct towards His Majesty's Subjects, if a Small Vessel, of the description referred to in the enclosed letter, were presented to the Chief of these Islands, as requested by him, I am to desire that, if a Vessel of this Kind could be built at Sydney without a very great expence being incurred, you should give orders for its being constructed, and sent to Owhyhee to be presented to the King in the name of His Royal Highness The Prince Regent; and you will consult with any Naval Officer on the Station, as to the best means of conveying the Vessel thither, either in frame or completed.

I have, &c.,

BATHURST.

A vessel to be presented to the king of the islands.

[Enclosure No. 1.]

1815.
27 July.

CAPTAIN TUCKER TO SECRETARY CROKER.

His Maj's. Ship Cherub, Portsmouth,

Sir, 28th June, 1815.

I think it my duty to inform you, for the information of my Lords Comrs. of the Admty., that, on my arrival off Owhyhee, one of the Sandwich Islands, with H.M.'s Ship the Cherub under my Command, that the King of those Islands came on board with an Englishman, by the name of Young, his interpreter, and through him gave me to understand that he considered himself a Subject of the King of England, and all that the Islands afforded was at my command for the supply of H.M.'s Ship Cherub, and that three weeks before he had supplied H.M.'s Sloop Racoon with all that she stood in need of. On my informing him that I was in want of water, fuel, vegetables, and fresh provisions, he said he was sorry that in consequence of their customary Feast being just over, that he could not supply me with the latter Article on that Island, but that he would send a Chief on board to accompany me to Mowee, with orders to supply me with every thing that I stood in need of; and these orders were strictly obeyed; for on my arrival the Island was Taboo'd, and nothing was done until H.M.'s Ship was supplied completely with three weeks fresh Provisions, a proportion of vegetables, and upwards of a month's Fuel, besides having received a daily supply, while I was completing my water, of these Articles. On my informing him that it was likely that two more ships (meaning the Briton and Tagus) would visit him, he expressed great joy, as from seeing so few (to use his own words) of King George's ships, he was afraid he had forgotten him and his Islands, and that he would give orders for supplies of Pork, Vegetables and Fuel to be kept in readiness for them.

Arrival of the
Cherub at the
Sandwich
islands.

Provisions
supplied to
H.M. ships by
the king of the
islands.

It may not be amiss to inform their Lordships, that it is a national disposition among these people to expect a return for all they give, and this custom even pervades their own little transactions in all classes; and the king, during the two days he spent on board the Cherub with me, frequently asked if I did not think that King Georgey would send him a Vessel, that he might visit his Islands in, and begged if I should (to use his own expression) steal another American to give it to him, reminding me at the same time, that he was giving us all we wanted; and his anxiety to have one was so great, that had I not unfortunately sent my two Prizes to Valparaiso, I should most certainly have given him one in the name of His Majesty; and I think that, was a small Vessel to be sent to him, it would answer a very good end in case of an American War, these Islands being the

Customary
interchange
of courtesies.

The king's
request for
the present
of a vessel.

1815.
27 July.

Resort of
American
vessels to the
Sandwich
islands.

Advantages of
conciliation
in the event
of war.

Particulars of
longitudes not
supplied by
Tucker.

Vancouver's
descriptions.

principal rendezvous for all the American Vessels trading on the North West Coast for Furs, as they are obliged to come to them in the winter months, where they land their skins for the purpose of drying and curing, continuing to go to and from the North West Coast, until they have completed a Cargo for the China Market, which generally takes them two and sometimes three years.

At the commencement of Hostilities with the United States of America, if a small Squadron was to be sent there, it would effectually annihilate that trade; and this little present to the King of Owhyhee would be the means of his furnishing the necessary supplies to His Majesty's Ships more readily, which, if they had a good supply of Canvass and Cordage, would render them quite independent of the Spanish Coast, should we also be at war with that Power; as the Yams are so very fine at the Sandwich Islands, that it is an excellent substitute for Bread.

I also take this opportunity of informing you, for the information of my Lords Com'rs of the Admiralty, that I have not transmitted to their Lordships, agreeable to their order, my Longitude for the different places that I visited in those Seas, in consequence of having only one Chronometer on board, their Lordships not having thought proper to comply with the request, I made before my departure from England, of being allowed an Admiralty one, and Captain Black, of H.M.'s Sloop *Racoon*, preceded me but a few weeks in the same route, who had three on board, and must of course have been correct in his Longitude, particularly as he found them to agree with Capt. Vancouver's. I was therefore fearful of making Captain Black's appear doubtful to their Lordships from seeing a difference between his and mine, having frequently made the land, when I did not expect it by my Chronometer; the correctness of it consequently cannot be depended on, and my whole reliance was upon keeping a good look out both by day and night. I found Capt. Vancouver so correct in all his descriptions and remarks of the Islands and anchorage, that, were I to make any, it would only be a repetition; the currents also, as nearly as I could ascertain from having only one Chronometer on board, I found to be governed, as they are in the Atlantic Ocean, by the prevailing winds; and this, I believe, he likewise mentions; I have therefore to request that their Lordships will be pleased to dispense with my sending my Longitudes and give orders to Captain Hurd, Hydrographer to the Board, to furnish my Agent with the necessary Certificate for passing my Annual Account.

I have, &c.,

T. T. TUCKER, Captain.

[Enclosure No. 2.]

1815.
27 July.

CAPTAIN TUCKER TO SECRETARY CROKER.

Sir, His Maj.'s Ship Cherub, Portsmouth, 3d July, 1815.

I have the honor to acknowledge the receipt of your letter of the 1st Instant, informing me of its being the direction of my Lords Com'rs of the Admty. to state what size and description of Vessel I conceive would be most suitable for the service of the King of the Sandwich Islands; and I have to inform you in reply, for the information of their Lordships, that I think a Vessel, about the size and rig of a Cowes or Southampton Passage Boat, would be most acceptable. I mention the rig of such a Boat, as he would prefer it, in consequence of there being no occasion for a Man to go aloft during the time he is on board, as no one by their Laws is permitted to go above the King, and he only dispenses with it on board of foreign vessels. The natives are so fond of the sea that I could have manned the Cherub twice over with Volunteers; and many of them understand the management of a Square rigged Vessel, as it is the custom of the Americans, when they land their skins for drying and curing, to leave a certain number of their own men, and to take an equal number of the Sandwich Islanders, to assist in navigating the Vessel to the North west coast again, giving them a regular Salary of a Yard of Coarse blue cloth each per month. The King's chief object, in wishing for a vessel, is in order to send her to the different Islands to collect his revenue, being entitled to a portion of produce from each, and I think one of this size would be quite sufficient.

Description of
vessel suitable
for the king of
the Sandwich
islands.

I have, &c.,

T. T. TUCKER, Captain.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 48, per ship Mary Anne; acknowledged by Governor Macquarie. 13th March. 1816.)

Sir, Downing Street, 28 July, 1815.

28 July.

I have the honor to transmit to you the Copy of a letter from Mr. Beckett, the Under Secretary of State for the Home Department, together with its Inclosures; one of which is a Memorandum explanatory to Representations, which have been made by two Convicts relative to the term of their transportation, and the other a Memorial of Robert Shreeves, also a Convict; And I am to desire that you will act in Conformity with the Directions given in Mr. Beckett's said letter.

Transmission
of papers.

I have, &c.,

BATHURST.

1815.
28 July.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 21 April, 1815.

Sentences of
transportation
on two convicts.

I am directed by Lord Sidmouth to transmit You the accompanying Memorandum, Explanatory to Representations, which have been made by two Convicts at New South Wales relative to the Term of their Sentence of Transportation; and I am to desire that You will lay the same before Lord Bathurst, and move his Lordship to make the necessary communication to the Governor of that Colony. I am also directed by Lord Sidmouth to inclose herewith the Memorial of Robert Shreeves, a Convict at New South Wales, with a view to its being forwarded to Governor McQuarrie, in order that he may judge how far the Prisoner's Conduct in that Colony may entitle him to the Prayer of his Petition being complied with. It should be observed that the Statement, made by the Prisoner as to the time for which he was ordered to be Transported, is not correct; it appears by the Documents in this Office that he was Capitally Convicted and his Sentence afterwards commuted to Transportation for Life.

Memorial of
Robert
Shreeves.

I have, &c.,

J. BECKETT.

[Enclosure No. 2.]

MEMORANDA.

Mistake
in record of
Dockerell's
transportation.

WILLIAM DOCKERELL:—a Letter from William Dockerell, stating that he is set down in the Book of Sentences at New South Wales as being under Sentence of Transportation for Fourteen Years.

Upon Reference to the Books, it appears that William Dockerell (the Convict who was sent to New South Wales in either the Ship Fortune or Alexander) was tried and Convicted at Cambridge in March, 1805, and Sentenced to be Transported for *Seven Years*.

Omissions
in records of
assignment
of convicts.

ANDREW STEWART:—a Representation, received from Andrew Stewart, who was Capitally Convicted at Edinburgh in January, 1809, and his Sentence Commuted to Transportation for Life, with an Enactment in such Commutation of Sentence for the Contractor* to have his Services for Seven Years, Stating that, in the assignment transmitted to the Governor of New South Wales, no notice is taken to his being Enacted to the Contractor for Seven Years.

Upon Reference, it appears that Stewart's Sentence was Commuted to Transportation for Life, and the Contractor to have his Services for Seven Years; if the Omission is as Stated by Stewart in the assignment transmitted from hence to the Governor of New South Wales, it will also apply to Three other

* Note 145.

Convicts, named in the same assignment, vizt. Jas. Duffie, John McIntyre, and Thomas Howard, whose Services were only limited to the Contractor for the like Term of Seven Years.

1815.
28 July.

[Enclosure No. 3.]

THE HUMBLE PETITION OF ROBERT SHREEVES.

To His Royal Highness George Prince of Wales, Regent, &c., &c. Humbly Sheweth,

The petition of
Robert
Shreeves.

That Your Petitioner was tried at Worcester in the year 1792 before Mr. Justice Buller, when Sentence of 7 years Transportation was awarded against Your Petitioner.

That Your Petitioner begs further to represent to Your Royal Highness that Your Petitioner was drafted to New South Wales, where he has been a constant resident for the space of 23 years; during which time Your Petitioner has supported himself by honest Industry, never having had his Name called in question; at the same time Your Petitioner wishes to impress upon Your Royal Highness's Mind that, thro' some neglect in the Secretary's Department, Your Petitioner was entered in the Books for Life; in consequence of which, Your Petitioner has been detained a Prisoner in this Colony contrary to his inclinations, and has been constantly employed in laborious labour for Government for nearly 14 years, when Governor King was Pleased to grant an Emancipation to Your Petitioner, in consideration of his general uniform Conduct and by the Solicitation of many Gentlemen in this Colony. That Your Petitioner, since that Period, has obtained his Absolute Pardon from Colonel Paterson, the then reigning Governor, and intended to leave the Colony by the first Opportunity; but, before Your Petitioner could procure a Passage on board a Ship to Convey him to his Native Land, Governor Macquarie arrived and issued a Proclamation desiring all Pardons and Emancipations, granted during the time Governor Bligh was suspended from his Government, to be forwarded to Government House, in order that they might be examined. Your Petitioner in compliance with such Instructions gave in his Pardon, and has never been able to obtain it again from Governor Macquarie.

That Your Petitioner now throws himself on The Royal Mercy, trusting that the Benevolence and well known humanity of Your Royal Highness will Commiserate Your Petitioner's case, and afford him that relief his misfortunes claim, Namely by a Pardon; so that Your Petitioner may pass the remainder of his Days with his numerous Relatives.

And Your Petitioner as in duty bound will ever Pray.
Sydney, New South Wales, 10th October, 1814.

1815.
9 Aug.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 49, per ship Ocean; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 9 August, 1815.

Appointment of
John Youl as
chaplain at
Port Dalrymple.

The Revd. Mr. John Youl having been appointed Assistant Chaplain at Port Dalrymple in Van Dieman's Land, I have the honor to inclose a Copy of his Commission for your information and to recommend this Gentleman to your Notice. I am further to desire that, upon Mr. Youl's Arrival at Port Jackson, you will forward him and his family to Bass's Straights in one of the Government Vessels, and that you will instruct the Lt. Governor of Van Dieman's Land to extend to Mr. Youl all such Indulgences, with respect to Land and other Allowances, as have been given to the other Chaplains in the Colony under your Government.

I have, &c.,

BATHURST.

[Enclosure.]

Warrant
appointing
John Youl
assistant-
chaplain.

WARRANT OF APPOINTMENT TO REVEREND JOHN YOUL.

In the Name and on the Behalf of His Majesty George P.R. GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To our Trusty and Well beloved John Youl, Clerk, Greeting: We do by these Presents constitute and appoint you to be Assistant Chaplain at Port Dalrymple in Van Diemen's Land. You are therefore carefully and diligently to discharge the duty of Assistant Chaplain by doing and performing all and all manner of Things thereunto belonging; And you are to observe and follow such Orders and directions from time to time as you shall receive from Our Governor, or any other your superior Officer, according to the Rules and Discipline of War. Given at Our Court at Carlton House, the twenty Seventh Day of March, 1815, In the Fifty fifth year of Our Reign.

By The Command of His Royal Highness The Prince Regent, In the Name and on the Behalf of His Majesty.

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A private letter, per ship Ocean; acknowledged by Governor Macquarie, 22nd March, 1816.)

13 Aug.

13th August, 1815.

[A copy of this letter recommending the Reverend John Youl is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

1815.
17 Aug.

(Despatch No. 50, per ship Ocean; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 17 August, 1815.

H.R.H. The Prince Regent having been graciously pleased to grant unto Michael Houlaghan and Alexr. Sutter, now under Sentence of Death in the Colony under your Government, His Most Gracious Pardon, I have the honor to transmit the same to you, and am to desire that you do give the necessary directions so that the said Prisoners may receive the full Benefit thereof.

Pardons for
Hoolaghan
and Suttar.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO SIR H. E. BUNBURY.

Sir, Whitehall, 14th August, 1815.

I am directed by Lord Sidmouth to transmit to you the within Pardon, which His Royal Highness the Prince Regent has been pleased to Grant unto Michael Houlaghan and Alexander Sutter, the Prisoners whose Case was transmitted to me in Mr. Goulburn's Letter of the 22nd of last Month, and I am to desire that you will lay the same before Lord Bathurst and move his Lordship to be pleased to forward such Pardon to the Governor of New South Wales, in order that the Prisoners may receive the benefit thereof.

I am, &c.,

J. BECKETT.

[Enclosure No. 2.]

FREE PARDON FOR MICHAEL HOULAGHAN AND ALEXANDER SUTTER.

In the Name, etc.

George P.R.

Warrant
for pardon of
Hoolaghan
and Suttar.

WHEREAS at a Court, holden at Sydney in the Territory of New So. Wales on Monday, the 21st day of June, in the 54th year of our Reign, Michael Houlaghan and Alexander Sutter were tried and Convicted of the Wilful Murder of one Rowland Edwards, and had Sentence of Death passed upon them for the same; We, in Consideration of some favorable Circumstances humbly represented unto us in their behalf, are graciously pleased to extend our Grace and Mercy unto them, and to grant them our Free Pardon for their said Crime; our Will and Pleasure therefore is that you cause them, the said Mich'l Houlaghan and Alexr. Sutter, to be forthwith discharged out of Custody; and,

1815.
17 Aug.

Warrant
for pardon of
Hoolaghan
and Suttar.

for so doing, this shall be your Warrant. Given at our Court at Carlton House, the 8th day of August, 1815, In the 55 year of our Reign.

By Command of H.R.H. The Prince Regent, in the Name, &c.,
SIDMOUTH.

To our Trusty and Well Beloved L. McQuarie, Esq., Captain Gen'l and Govr. in Chief in and over our Territory of New So. Wales and its Dependencies, and all others whom it may concern.

SIR H. E. BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Ocean; acknowledged by Governor Macquarie, 18th March, 1816.)

22 Aug.

Sir, Downing Street, 22nd August, 1815.

Convicts
per transport
Fanny.

I am directed by Earl Bathurst to inclose to you an Assignment of 174 Male Convicts, embarked on board the Ship Fanny, under Dispatch for New South Wales.

I have, &c.,
H. E. BUNBURY.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

SIR H. E. BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Ocean; acknowledged by Governor Macquarie, 18th March, 1816.)

31 Aug.

Sir, Downing Street, 31st August, 1815.

Convicts
per transport
Ocean.

I am directed by Lord Bathurst to transmit to you an Assignment of 219 Male Convicts, embarked on board "The Ocean," under Dispatch for New So. Wales.

I have, &c.,
H. E. BUNBURY.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO SIR H. E. BUNBURY.

Sir, Whitehall, 30th Aug., 1815.

I am directed by Lord Sidmouth to transmit to you the within Assignment of Two Hundred and Nineteen Male Convicts, which have recently embarked in the Ship Ocean; and I am to desire that you will lay the same before Lord Bathurst and move His Lordship to be pleased to forward the same by the earliest opportunity to the Governor of New South Wales.

I am, &c.,
J. BECKETT.

[Enclosure No. 2.]

[A copy of the assignment of convicts is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 51, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

1815.
24 Sept.

Sir, Downing Street, 24 Sept., 1815.

It having been represented to me that it would materially aid the due Execution of the Laws, in the Settlement of the Cape of Good Hope, if directions were given to the Govr. of New So. Wales to receive Convicts, sent there under Sentence of Transportation from the Cape; and, no material Inconvenience being likely thereby to arise to the Colony under your Government, I am to desire that you will receive any Convicts of the above Description, that may be sent from the said Settlement to New So. Wales, and to consider them Subject to the same Regulations, with regard to their Maintenance and Distribution, as apply to the Cases of those Convicts, who are sent from Ceylon or India.

Convicts to be sent to the colony from the Cape of Good Hope.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 6 November, 1815.

6 Nov.

Referring you to my letter dated the 25th day of May, 1813, conveying Lord Bathurst's directions that a Grant of Land might be given to Mr. Bourdillon, proportionate to the means, which he possessed of cultivating the same, I am now desired by his Lordship to request that, immediately upon the receipt of this letter by Mr. Bourdillon, who is the Bearer of it, you do attend to the Instructions so conveyed to you, provided the same has not been already complied with.

Land grant to Bourdillon.

I have, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 52, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 10th Nov., 1815.

10 Nov.

Having received a favorable Acco't of the Character of Mr. Wm. Howe, I am to acquaint you that Permission has been given to him to proceed as a Settler to the Colony under your Government; and I am to desire that you will allott to him a Grant of Land, in proportion to the Means he possesses of cultivating it, and extend to him the other Privileges and Indulgences, that have been granted to Settlers of his Class.

Recommendation of Wm. Howe as a settler.

In the Event of Mr. Howes ultimately determining to fix himself and his family on Van Diemen's Land, you will give

1815.
10 Nov.

the necessary Instructions to Lieutenant Governor Davie, and forward him and his family to Hobartstown in one of the Colonial vessels.

I have, &c.,
BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

11 Nov.

Sir,

Downing Street, 11th Nov., 1815.

Recommendation of
R. W. Fryett
as a settler.

Earl Bathurst having given permission to Mr. Rd. W. Fryett to proceed as a Settler to New South Wales, I am directed by his Lordship to desire that you will allocate to him such a Grant of Land, as he may possess the means of cultivating, and extend to him the other Indulgencies usually allotted to Settlers.

I have, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

12 Nov.

Sir,

Downing Street, 12 Nov., 1815.

Convicts
per transport
Northampton.

I am directed by Earl Bathurst to transmit to you here-with an Assignment of One hundred and ten female Convicts, shipped on board the Northampton.

I have, &c.,
HENRY GOULBURN.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO MAJOR-GENERAL BUNBURY.

Sir,

Whitehall, 29 December, 1814.

I am directed by Lord Sidmouth to transmit to you the within Assignment of One Hundred and ten Female Convicts recently embarked in the Ship Northampton, and I am to desire that you will lay the Same before Lord Bathurst, and move his Lordship to be pleased to forward the same to the Governor of New South Wales.

I have, &c.,
J. BECKETT.

[Enclosure No. 2.]

[A copy of the assignment of convicts is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 53, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

24 Nov.

Sir,

Downing Street, 24 Novr., 1815.

I have the honor to transmit the Copy of a letter from Mr. Beckett, Under Secretary of State for the Home Depart-

ment, together with its Inclosures, which have been received in favour of Joseph Newsham, a Convict now in New South Wales; and I am to acquaint you that there does not seem any Objection to granting the Convict in question a Pardon, as solicited by Colonel Molle, provided the Conduct of the Prisoner should have been such as to merit this Indulgence. I have, &c.,

1815.
24 Nov.

Pardon
proposed for
Joseph
Newsham.

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO SIR H. E. BUNBURY.

Sir, Downing Street, 24th August, 1815.

I am directed by Lord Sidmouth to transmit you the within Papers which have been received in favor of a Convict, Named Joseph Newsham at New South Wales and I am to desire that you will lay the same before Lord Bathurst and move His Lordship to be Pleased to transmit them to the Governor of that Colony with Lord Sidmouth's Sentiments that on his part he does not see any objection to granting the Convict in question a Pardon on the Condition solicited by Colonel Molle but that it will be for the Governor to judge whether the Conduct of the Prisoner during the time he has been in the Colony has been such as to Warrant him in permitting the Prisoner to enlist as a Soldier in the 46th Regiment.

I am, &c.,

J. BECKETT.

[Enclosure No. 2.]

CERTIFICATES IN FAVOUR OF JOSEPH NEWSHAM.

Sydney Barracks, N. S. Wales, 1st Octr., 1814.

THIS is to Certify that Joseph Newsham formerly a Serjeant in the Royal Waggon Train and now a Convict in this Colony has conducted himself in so exemplary a manner in my Service that I am most anxious to obtain a Free Pardon for him with the view to his Enlistment in the 46th Regiment for which purpose I have earnestly requested his former Commander Major General Digby Hamilton to make every intercession in his power to obtain an Order from His Majesty's Principal Secretary of State for the Colonies to the Governor here to grant a Free Pardon to the said Joseph Newsham on Condition of his Enlisting in the 46th Regiment.

G. MOLLE, Lieut.-Col. 46th Regiment,
Lieut.-Governor N. S. Wales.

Cleveland Row, 18th March, 1815.

I BEG leave to second the request of Lieutenant Colonel Molle of the 46th Regiment in favor of Joseph Newsham whose Conduct was so highly Meritorious during the long period which he served in the Corps under My Command.

DIGBY HAMILTON, Major-General.

Certificates
in favour of
Joseph
Newsham.

1815.
25 Nov.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 54, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 25 Novr., 1815.

Daily issue of
spirits to be
made to the
military.

Your Dispatch No. 3, dated 28 April, 1814, submitting the propriety of issuing a daily Allowance of Spirits to the Troops in New So. Wales, having been referred for the Consideration of the Lords Comm'rs of H.M.'s Treasury, I have the honor to transmit for your information a Copy of a letter from Mr. Lushington, dated 6th Inst., stating that their Lordships are of Opinion it may be reasonable to accede to your Recommendation, and that the Commissary in Chief has been directed to convey such Instructions to the Officer of his Department in the Colony, as may be necessary for this purpose. I have, &c.,

BATHURST.

[Enclosure.]

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 6th October, 1815.

The Lords Commissioners of His Majesty's Treasury having had under their Consideration your letter of the 24th July last, enclosing extract of one from Governor McQuarrie of New South Wales, submitting the propriety of issuing a daily allowance of Spirits to the Troops in that Colony, I have it in command to acquaint you for the information of Lord Bathurst, that my Lords are of opinion it may be reasonable to accede to Govr. McQuarrie's recommendation that Spirits should in future form a part of the Rations to be issued to the Troops at New So. Wales, and that the Stoppage from the Soldier should be Sixpence per diem as at other Stations; and they have therefore directed the Commissary in Chief to convey such Instructions to the Officer of his Department there as he may deem necessary, both in regard to the purchase and Issue of these Spirits.

I am, &c.,

S. R. LUSHINGTON.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 55, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

29 Nov.

Sir, Downing Street, 29 Novr., 1815.

Free pardon for
Thomas
Weymark.

H.R.H. The Prince Regent having signified His Pleasure that Thos. Weymark, who was transported to New So. Wales in the Ship Duke of Portland in January, 1807, under a Sentence of Transportation for Life, passed upon him by a Court Martial, should be pardoned, I am to acquaint you therewith, and to

desire that you will make out a free Pardon for the Person in question, in order that he may have it in his Power to return to this Country.

1815.
29 Nov.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 36, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 2d Dec., 1815.

2 Dec.

I have received your dispatch No. 12,* in which you acquaint me with the measures which you considered it necessary to adopt in consequence of Mr. Marsdens having introduced into the Church Service of the Colony the version of the Psalms, which has been published by Dr. Goode.

Prohibition of alterations in the church service.

Mr. Marsden himself has already addressed me on the same Subject; and, altho' from the reasons, which he has stated, I am induced to acquit him of having introduced them with any View to promote peculiar doctrines not altogether consistent with those of the Established Church, yet concurring as I do with you in Opinion as to the Inconveniences which might result from establishing a precedent for any Change in the Mode of celebrating the Church Service, I have to express my entire approbation of the course, which you have pursued, and to desire that in any future Instances, where a similar innovation may be proposed, you would enforce a strict adherence to those forms and Services, which are prescribed by the competent Authority.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 57, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 3d Decr., 1815.

3 Dec.

It becomes necessary that I should call your Attention to the 17th Article of your Instructions,† which directs that, between every 1,000 Acres of Land to be allotted to Settlers, you should reserve not less than 500 Acres adjacent thereto for the Benefit of the Crown.

Instructions re crown reserves between land grants.

I understand that this Instruction has not been literally adhered to by former Governors of the Colony, but that, in lieu thereof, large Tracts of Ground have been reserved to the Crown in three or four districts in the Interior of the Settlement. This Alteration of the Instructions has probably arisen from the Circumstance of the Settlers having been dispersed over the face of the Country, and along the Banks of The Hawkesbury and

* Note 146. † Note 147.

1815.
3 Dec.

Instructions re
crown reserves
between land
grants.

Nepean Rivers, instead of being placed in Townships, as directed by the 18th Article of the King's Instructions. But as you report in the 22d Paragraph of your Dispatch No. 6* that the Serviceable Land on the Eastern Side of the Nepean is becoming scarce, and as it would appear that you are establishing Settlers in several Districts in a more connected manner and in regular Townships, I am to desire that you will pay due Attention to the 17th Article of the Instructions in order that the Crown may, at a future period, have the full Benefit of the Lands thus directed to be reserved; and you will no doubt take Care that a Proportion of such Reserves should occupy the Banks of Rivers and the Shores of Bays and Inlets; and that in every Situation, where a Town is intended to be built, a certain proportion of Land in a convenient Situation and adjacent thereto may be reserved for the express purpose of being afterwards appropriated to the Clergyman and School Master thereof.

Reserves for
the crown.

As I have no information upon the Nature of the large Reserves† above alluded to, which are marked E on the Charts of the Colony, I should be glad to receive a report from you of the manner in which they have been made, and how far they may hereafter be made available by H.M.'s Government for the purposes either of Sale or of letting upon Lease.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 58, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

4 Dec.

Sir, Downing Street, 4th December, 1815.

Acknowledg-
ment of
despatches.

I have had the Honor of receiving your Dispatches to No. 17 inclusive of the year 1814, which have been laid before H.R.H. The Prince Regent.

Satisfaction
with Macquarie's
administration.

H.R.H. derived great Satisfaction from the Representation, which those dispatches contain, of the continued tranquility of the Colony and its rapid Advancement in Prosperity and Wealth. It was above all pleasing to H.R.H. to observe that your attention had been directed to the Reduction of the Expences of the Colony; and altho' the Statement of the Annual Accounts, transmitted in your Dispatch No. 3,* gives me no reason as yet to congratulate you upon the Success of your Exertions in this particular, yet I cannot but entertain a confident Hope that in succeeding years, when the Causes assigned by you for the Increase of Expenditure can no longer operate, the result will be more conformable to your Wishes and to the Views of H.M.'s Government.

* Note 148.

† Note 149.

The Discovery of a Passage on the Blue Mountains, and of an extensive Country beyond them, possessing so many Advantages in point of Soil and Climate, is an Event in the History of New So. Wales not more important on Account of its immediate Consequences than for the Effect, which it must ultimately produce in the Nature and Value of the Colony.

I cannot withhold from you my sincere Congratulations upon the Attainment of an Object which has been so often, but in vain, attempted by your Predecessors in the Government, nor refrain from expressing my Sense of the Exertions Perseverance of Mr. Evans, and those who accompanied him in the Course of his Journey. The Journal of that Gentleman does not (nor could it indeed be expected to) afford more than a very general Description of the face of the Country. I await therefore, with the more Anxiety, the report of your own Observations, made more at leisure, and with very superior Advantages, during the tour which you propose to make into the newly discovered Country; one fact in Mr. Evans' Journal, the Discovery of the Macquarie River, excited general Surprise; for after the fruitless Attempt made by Captain Flinders to discover, on the West Coast of New Holland, the Embouchure of any considerable River, I was but little prepared to expect that a River should have so soon been discovered in the Interior of that Continent flowing for so considerable a distance to the Westward. In a Geographical point of View, it is most desirable to ascertain the Course of this River; and H.R.H. has been pleased to signify His Commands that an Expedition, on a small Scale, should proceed from the Colony for this purpose. You will therefore, as soon after the receipt of this Dispatch as Circumstances will admit, select any Persons, who may be willing to undertake and whom you may consider best qualified to conduct it, and afford them all the means necessary to ensure their Success. As the River is described to be one of some Magnitude, it will afford great facility to the progress of the Travellers, and to the Transport of Provisions and other necessary Articles; and it therefore appears adviseable that a small Vessel should be either constructed on the Banks of the Macquarie River itself, or conveyed thither in frame, and set up on that part of the River deemed most convenient for the Commencement of the Navigation. Altho' it would certainly be advisable, with a View to the scientific Objects of the Expedition, that the Person, to whom the Conduct of it is to be entrusted, should possess a Variety of Knowledge; yet as the Principal Object is to ascertain the Course of the Macquarie River, all, that will be required in the first instance, is that degree of Observation and Knowledge, which is

1815.
4 Dec.

Gratification at
the Discoveries
made by
G. W. Evans.

Surprise at the
discovery of the
Macquarie river.

Instructions for
exploration of
the Macquarie
river.

1815.
4 Dec.

Instructions for
exploration of
the Macquarie
river.

requisite for making a Survey of the River and the adjacent Country, and giving a general Description of its Principal Character and features. Among Officers under your Command, if not among the Colonists, you will, no doubt, find many well qualified for the Undertaking, and I have therefore declined acceding to the Offers, which have been made by Persons in this Country desirous of conducting it.

The
preservation of
the wild cattle.

The Measures,* which you have recommended of taming a Portion of the Wild Cattle and blending them with the tame Herds of Government, does not appear liable to any Objection. You will consider Yourself authorized to adopt it, keeping however in mind that H.M.'s Govt. still continue most anxious to preserve them to a certain Extent in their Wild State. The Discovery of the Country beyond the Blue Mountains will probably enable you to allot to the Wild Cattle adequate Pastures at a greater distance from the principal Settlement, and will thus leave at the Disposal of Government the Tract of fertile Land, hitherto reserved for their Use on the Nepean. You will however not make any Grants of this Land, until it shall be satisfactorily ascertained that the Cattle can be adequately maintained beyond the Blue Mountains, and until their Removal thither has actually taken place.

The evacuation
of Norfolk
island.

I was happy to learn that the Evacuation of Norfolk Island had been at length completed, and that all Claims on that account had been adjusted in a manner satisfactory to all concerned. The Conduct of Mr. W. Hutchinson, to whom the Execution of the duty was entrusted, appears to deserve the Commendation which you have bestowed upon it, and I have great pleasure in sanctioning his Appointment as Superintendant of Convicts at Sydney in the room of Mr. Nicholls resigned.

The treatment
of convicts
on transports.

The Precautions, which have of late years been taken for securing the Health of the Convicts during their Voyage from this Country to New So. Wales, have hitherto proved so effectual, that the Death of any considerable number on the Passage is as much a Subject of Astonishment as of Regret. The great Mortality on board The Hewitt, and The Surry, pointed out the Inefficacy of existing Regulations, or the Neglect of those to whom it belongs to enforce them, and in either Case required that minute Investigation which you so properly and so immediately directed to take place. The Result, having been communicated to the Commrs. of Transports, cannot fail of bringing forward on the part of that Board additional Measures for ensuring greater Care and Attention from the Commanders of Vessels, to whom a similar Charge is entrusted in future; and Steps have already been taken by the Board accordingly.

I cannot conceal from you the very great Surprize, with which I learnt the Extension of the period* during which an exclusive Importation of Spirits into the Colony was to be allowed to the Contractors for the Building of the Hospital. I was well aware from the Commencement, sooner or later, that the Contract must involve you in considerable difficulty. It was evident that you would have many appeals, on the one hand from the Shippers of Spirits unable to dispose of their Commodities with the Advantages upon which they had calculated, and on the other from the Contractors themselves on account of real or pretended Infringements of the Contract and consequent Injury to them. But I had no Idea that any Circumstances could have occurred to induce you to sanction the prolongation of a System, from which alone your difficulties had arisen, and which could only the more involve you, the longer it was continued. I have too strongly expressed my Opinion of the terms of that Contract, and you seem sufficiently sensible of its Inexpediency to require a further Statement of my objections. I have no hesitation however in stating that the Extension is open to every Objection, which was felt to the Original Agreement. The Quantity of Spirits, admitted by you, must have been great indeed to authorize the Contractors to demand, as a Remuneration for their Loss, an Exclusive Privilege of Importation for Eight months longer; But, whatever may have been the Extent of Compensation to which the Contractors had fair Claim, it would have been better to have resorted to any other mode than that which you have adopted; even tho' it might, in the first instance have occasioned a considerable Expence. But, at the same time that I speak thus strongly of the measure itself, I beg to assure you that the Clamour raised against you on this or any other Ground has no influence whatever upon my Judgement. I am aware that a Public Building of considerable Convenience has been obtained, and that so far a lasting Benefit has been conferred upon the Colony; but I still believe that the Price paid† for this Convenience has been even beyond its Value, and has been paid in a manner at once inconvenient and oppressive. I have however considerable satisfaction from your Assurance that it will be the last Experiment of its kind, and I trust that no Circumstance whatever will have led to its Extension beyond the 1st of January last.

I have not failed to give every Consideration to the Arguments,‡ which you have again urged in favor of the immediate Establishment of a Distillery within the Colony; But, as I do not expect from the experiment those permanent Advantages which you anticipate, I am inclined, for the reasons which I have

1815.
4 Dec.

Criticism of
extension of
terms of the
contract for
erecting the
hospital.

Macquarie's
advocacy of
establishment
of a distillery.

1815.
4 Dec.

Criticism of
the expected
advantages
of a distillery.

already stated in my former dispatches, to delay at least for a short period its Introduction. I have never entertained any doubt but that the Distillery, if established, would in the first instance increase the demand for Agricultural Produce in the Colony, would raise its price and thereby induce an Extension of Cultivation; But I do not see how, when the Cultivation shall have been once sufficiently extended to meet the demand created by the distillery, the Colony would be relieved from great fluctuation of price and that occasional Superabundance of Produce, which it is your object to prevent. So long as the Demand for Grain, whether created by the Purchases of Government or by the Distillery, is, as it must always be, nearly the same in every year, and the Produce of the Crops is variable and uncertain, so long must the Price of Corn be subject to great Variation; nor can an effectual remedy be found, until either the Population of the Colony is more adequate to the Consumption of its Produce, or until some means of exporting the Surplus of Produce be discovered. As Resource in time of Scarcity, the distillery offers but little, if any, Additional Advantage beyond what the Colony already possesses in the Government purchases. The Distillery, if once established, could not be prohibited without great distress to the Individuals engaged in it; when Government, by drawing its Supplies from Bengal, might throw into the Market a large quantity of Produce without inconvenience to any Individual, and often without disadvantage to itself. Altho' however I entertain this difference of Opinion as to the Advantages to be expected from a Distillery established at the present moment, I shall nevertheless be glad to receive from you, in detail, a Report of the Regulations under which you would propose the establishment of a Distillery, with a View to collect the duties upon the Stills and to prevent the other Evils to which a Distillery without Regulation would inevitably give rise.

No addition to
be made to the
military force.

In hesitating to recommend that Addition to your Military means, so strongly urged by you in your Dispatch, No. 3,* I trust you will acquit me of any indisposition to attend to the Safety of the Settlement, or to your Representations of its Danger. You must before this have been aware that the Hostilities, which recommenced last year in Europe, rendered it impossible, at that moment, to detach a Military force to any distant quarter of the Globe, and if any danger was even to be apprehended from the hostile Attack of an European Power, yet now that Peace is so happily restored, there can be no longer any Necessity for providing against such a Contingency. With a View to the internal Police of Settlement, I am aware that an Addition to your Military force might have been desirable, and I have much

* Note 148.

Pleasure in believing that the Detachment of the 46th Regt., which must have arrived since the date of your Dispatch, will have already furnished the necessary Augmentation; on future Occasions, I will not fail to pay all due Attention in fixing the amount of Military force necessary for the Controul of the Population.

1815.
4 Dec.

As the Works, which you state as being in progress in your Dispatch,* appear to me to be generally highly useful, and are to be defrayed from the Colonial funds, I have little difficulty in giving them my Sanction.

Approval of
public works.

Those however, which are submitted for my previous Consideration and opinion and for which the Colonial funds are not capable of providing, tho' certainly advantageous to the Colony, do not with the Exception of the Church, appear to be of such immediate Necessity. As there is not any intention at present of remodelling the Courts of Justice, or introducing the Trial by Jury (upon which Suppositions your Recommendation of a new Court House is principally founded) I conceive that the Arrangement, which has been proposed and, I trust, adopted, of converting one of the detached Wings of the Hospital into a Court House will sufficiently answer every object for which the new Building could be required. Nor, altho' a more extensive accommodation for Convicts, on their first arrival either at Sydney or at Van Dieman's Land, is desirable, and if the funds of the Colony could meet the Expence, would readily receive my Sanction, yet I do not consider it so necessary as to authorize, in the present Circumstances of the Country, an Application to Parliament for an Additional Grant of Money. With respect to the Church, I have to regret that no Estimate has been transmitted of the Expence of such a Building; But from the Sum, which you deemed adequate for the performance of all the Works recommended by you, I should suppose that it could not be much beyond what the Colony itself could bear; and, under this impression, I am induced to sanction the Undertaking.

Disapproval
of proposed
erection of a
court-house;

and of barracks
for convicts.

A church to
be erected.

No Exertion shall be wanting on my part to second your Efforts for the Education and Improvement of the Community entrusted to your Charge. The Erection of Glebe Houses and Schools, in Situations where the Inhabitants are sufficiently numerous, and the attaching to each Living a sufficient quantity of Land to afford hereafter a Subsistence to the Incumbent, are Measures which appear to me most calculated to answer the Ends in View, and are moreover particularly well suited to the Circumstances of the Colony, since admitting of gradual Execution, they require at no time any great Expenditure.

Education to
be encouraged.

1815.
4 Dec.

Medical men to
be encouraged
as settlers.

Every Attention shall be paid to your Suggestion* of inducing Medical Men to become free Settlers in the Colony. With respect to Mr. Younge, of whose Qualifications you express so much doubt, I have only to acquaint you that his Competency was duly certified by Dr. Carpice, whose Medical Character prevented me from entertaining any Suspicion of the Propriety of his Recommendation.

Civil servants to
be prohibited
from trading.

In bringing under H.R.H.'s Consideration the several orders which you have from time to time issued in the Colony, there were none which appeared more proper or necessary than those imposing Restrictions* upon the Trade heretofore carried on by the Civil Servants in the Colony. As the Evil, complained of, still continues, notwithstanding your Efforts to prevent it, I have to signify to you H.R.H.'s Commands to intimate to all Persons, holding Situations in the Colony, the Necessity of making their Election between the Profits of their Situations, and those of Trade; and you will have no hesitation in dismissing from their Situations those Civil Servants, who, after due Notice of your Intentions, persist in their mercantile Occupations.

Refusal of
compensation to
W. H. Mansel
for loss of
schooner Unity.

I transmit to you herewith the Copy of a letter, addressed to My under Secretary by Command of the Lords Com'rs of the Treasury, respecting the Claim of Compensation made by Mr. Mansel for the Loss of a Vessel belonging to him, which had been carried off by some runaway Convicts. If it were possible to make him a Remuneration for the Loss, which he has sustained without giving rise to similar Claims in future instances, I would with Pleasure attend to your Recommendation of giving him a Grant of Land in the Colony; but I feel myself unable to do so, because I cannot consent to establish as a Precedent that the Government is bound to make Compensation for Losses, which may be sustained in consequence of the Violence or Mis-conduct of the Convicts. If the Crime, from which Mr. Mansel suffers, should become hereafter frequent, it may be necessary to devise some measures for preventing its Commission by affording Assistance to the Individuals exposed to it; but it appears to me most impolitic, by making Compensation to the suffering Individual, to diminish the Exertions for the Security of his Property, which the Public has a right to expect from him.

Refusal of
land grant to
Edward Lord.

I have every Ground to approve your Refusal* to accede to Mr. Lord's request for an Additional Grant of Land. The Number of Acres, which I directed to be allotted to him in my Dispatch of the 21st Octr., 1812, was far beyond what I considered any Individual capable of cultivating properly; and it was only in consequence of his producing a distinct promise

from One of my Predecessors that the Land in question should be granted to him, that I was induced to make his Case an Exception to the General Rule. Under these Circumstances, you will be satisfied of the Propriety of adhering to the Determination which you have already communicated to him.

1815.
4 Dec.

Refusal of
land grant to
Edward Lord.

The Instruments required for the Use of the Surveyor General's Department have been long since ordered.

I have to acquaint you that the Schedule of fees,* transmitted by you as proper to be henceforth received in that Department, having been duly compared and found to correspond with those taken in North America, have received the sanction of H.R.H. I can however see no Ground for selecting the very moment when the Salary of the Surveyor General is placed, by this decision in his favor, on so respectable and improved a footing, for giving him other advantages unknown to similar officers in H.M.'s other Dominions. I must therefore decidedly object to the Allowance proposed for the Keep of a Horse for himself or his Deputies. How far such an Allowance is any longer necessary for the officers of the Commissariat Department is a question which will merit Consideration.

Fees to be
charged by
surveyor-
general.

Consideration
of forage
allowances.

With respect to the Appointments communicated by you in your dispatch No. 3,† I have to regret that having previously appointed Mr. Drummond, Naval Officer at Hobartstown, it is not in my Power to confirm Mr. Gordon in that Situation.

Naval officer
at Hobart.

The Appointment of an Inspector of Public Works at Sydney also appears to me to be altogether unnecessary, and as such I must hesitate in confirming it.

Disapproval
of office of
inspector of
public works.

I learnt with much pleasure, from your dispatch, No. 15,‡ that you had reason to entertain a more favorable opinion of the General Character and Habits of the Natives of New Holland, who were resident in the Vicinity of the Colony, than that which has been hitherto generally promulgated. Any project for extending to them the Benefits of Civilization and Instruction was sure to meet with the cordial Approbation of The Prince Regent, and as the Expence of the Establishment, which you deem adequate for making the Experiment, is not more than the Colonial funds, aided by private Subscriptions of Individuals, can defray, no Objection whatever can exist to immediately adopting the plan which you have suggested for carrying it into effect.

Approval
of the native
institution.

On the Subject of your Dispatch, No. 13,‡ I have not failed to communicate to Adml. Bligh the determination of H.M.'s Government to resume the Grant of Land made to him by Govr. King in direct Contravention of his Instructions as Governor, and without any especial Authority from home; and I deem this

Revocation of
land grant to
William Bligh.

* Note 155.

† Note 148.

‡ Note 156.

1815.
4 Dec.
Instructions re
land grants.

the fittest occasion for repeating the orders which have already been given on this Subject to your Predecessors, and conveying to you the positive Instructions of H.R.H. The Prince Regent that you should not alienate either by Grant or otherwise any Land, which has originally been cleared at Government Expence, nor any upon which Buildings or other Improvements have been made, without a special and distinct Authority from H.M.'s Government.

I have, &c.,

BATHURST.

[Enclosure.]

SECRETARY LUSHINGTON* TO UNDER SECRETARY GOULBURN.

Sir,

Treasury Chambers, 22d July, 1815.

Refusal of
compensation to
W. H. Mansel
for loss of
schooner Unity.

I have laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 15th Ultimo, enclosing Copy of a Memorial† from W. H. Mansel, of Sydney, New South Wales, soliciting Compensation for the loss of a vessel belonging to him; and I have received their Lordship's Commands to acquaint you, for the information of Earl Bathurst, that it does not appear that Mr. Mansel's misfortune can in any degree be attributable to any neglect or want of attention on the part of any Officers of His Majesty's Government, and their Lordships are not therefore aware of any grounds, on which they could extend relief to Mr. Mansel.

I am, &c.,

S. R. LUSHINGTON.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 59, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 4 Decr., 1815.

Allowances to
civil servants.

I have omitted in my General Dispatch adverting to those parts of your Dispatch,† which related to the Allowance of Rations, Servants, Fuel, Lodging and Clothing, which appear to be given to various Civil Servants of Government in the Colony under your Command, because I am desirous of calling your Attention more particularly to that Subject, which is of all others the most connected with the Economical Arrangements of the Colony.

The Colony has latterly made such rapid Progress in Cultivation and Improvement that H.M.'s Government cannot but consider it as having arrived at that State of Maturity, which will enable it to dispense with that extraordinary Assistance, which was required in its infancy, and which has been most liberally afforded by the Mother Country. They conceive, there-

* Note 157. † Note 158.

fore, the period to be nearly arrived at which those Allowances (which were originally granted only because they were not otherwise to be procured) should be with-drawn, and the Emoluments of the Officers confined to the Salaries, which may appear to be necessary for the due Execution of the duties, which they are called upon to perform. I am aware that, in withdrawing the Allowances in question, it may be necessary to increase the Salaries of some officers, and to allot new Salaries to others; but I am confident that a liberal Addition may be made to the Salary of every officer, now receiving these other advantages, and that the Government will nevertheless be greatly a Gainer by the Alteration. If the only result were to be the Certainty of the annual Expence of the Colony, a great advantage would be gained; but you must be aware that Allowances of this kind, extending as they have done indiscriminately to the families of Settlers and of Persons employed under Govt., are liable to great Abuse, whatever measures may be adopted to counteract it.

1815.
4 Dec.

Proposal for
increase of
salaries and
discontinuance
of allowances.

Previous however to giving any directions upon the Subject, I am desirous of receiving from you a detailed Statement of the Allowances given to Persons in Government Employ, specifying separately those which are given to themselves, and those which they receive on Account of their families; and for that purpose I enclose a form of Return, which I shall be glad to receive from you, accompanied with any observations, which the Subject may appear to you to require.

Returns to
be made of
allowances to
civil servants.

I have only to add on this Subject that I entirely approve the order* issued by you on the 3rd of September, 1814, and the discretion which you exercised in forbearing to apply its Provisions to those officers, whose only Emoluments resulted from a Continuance of the Allowances which it was the Object of that Order to abolish.

Approval of
Macquarie's
orders.

I have equally to express my Approbation of your decision with respect to Mr. Bent's Claim for Lodging Money. No Expectation whatever was held out to him of such an Allowance, nor do I see any reason why it should be granted.

Lodging money
for justice
Bent.

I have, &c.,
BATHURST.

[Enclosure.]

FORM OF RETURN.

Form of return
to be made.

Name of the Officer and Nature of his Office.	Salary paid to him, and whether by the Colony or this Country.	Allowances made to him, whether Rations for himself or his family. Fuel, Lodging, or Lodging Money. Govt. Servants. Forage for Stores, &c. &c. specifying in each Case the Numbers or the Quantity allowed.
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* Note 158.

1815.
10 Dec.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 10 Decr., 1815.

Payment of
salary to
judge's clerk.

Mr. Bent, The Chief Justice, having represented to Lord Bathurst that his Clerk has suffered some inconvenience from the delay in paying to him the Salary, which was directed to be allowed to him from the Colonial funds; I am directed by Lord Bathurst to direct your Attention to this point and to request that you would as far as in your Power regularly pay his Salary on the Quarter Days, on which it becomes due.

I have, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 60, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

11 Dec.

Sir,

Downing Street, 11th Dec., 1815.

Instructions
re trade of
foreign vessels.

It is probable that in consequence of the re-establishment of Peace, both in Europe and America, the Ports of the Colony under your Government may be again revisited by Foreign Vessels for the purposes of Trade, particularly by such as are going to China. It therefore becomes necessary to remind you that the Trade of Foreign Vessels with a British Colony is directly at variance with the navigation Laws of this Country; and although this infraction of them might have been tolerated at earlier periods upon the plea of necessity, it cannot now be defended upon any such grounds; more particularly since the Colony will henceforth have the benefit of a more regular and free Intercourse with the Mother Country, in consequence of the Act of Parliament,* which has given, to all Classes of His Majesty's Subjects, a less restricted Intercourse with the Settlements in the Eastern Seas.

No foreign
vessel to be
permitted
to trade.

It appears that the chief Article, brought out by these Foreign Vessels, consisted of Spirits of an inferior quality, in payment for which the Specie of the Colony was exported; and, as there cannot be a doubt that you will receive a sufficient Importation of Spirits either from this Country, or British India, I am to desire that no Foreign Vessel may be permitted henceforth to trade within the Ports of your Government; and, if any such Vessel should arrive for the purpose of refitting, you will take due care that no trade is carried on.

I have, &c.,

BATHURST.

* Note 159.

EARL BATHURST TO GOVERNOR MACQUARIE.

1815.
21 Dec.

(Despatch No. 61, per ship Atlas; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 21st Decr., 1815.

A Representation having been made to me by Viscount Sidmouth relative to a Claim made by Mr. Rich'd Hughes, late Surgeon of the Convict Ship General Hewitt, to the Gratuity which has been usually allowed to Surgeons of Convict Ships, and having considered the Report of the Enquiry, which took place in the Colony under your Government into the Causes of the Mortality which occurred among the Convicts on board The General Hewitt on the Voyage, I have concurred in Opinion with his Lordship that Mr. Hughes' Conduct does not entitle him to the Gratuity in question.

No gratuity
allowed to
Richard Hughes.

I have considered it my duty to state the Decision of H.M.'s Govt. upon this Case to you, in order that, upon all future occasions of the Arrival of Ships with Convicts on Board, you may give directions that a more full and minute Investigation should be made into the Conduct of Surgeons entrusted with the Care of the Convicts during the Voyage, and that you will not grant Certificates to Surgeons where it appears that they have in any Degree neglected their Duty.

Instructions
re certificates
to transport
surgeons.

I have, &c.,
BATHURST.

COMMENTARY

ON

DESPATCHES.

JULY, 1813—DECEMBER, 1815.

Note 1, pages 1, 57, 61, 70, 77, 78, 80, 83, and 84.

Despatch.

The despatches which were transmitted by the whaler *Phoenix* were received at the office of the secretary of state on the 9th of May, 1814. They were accompanied by the duplicates of the despatches, dated 28th June, the originals of which had been forwarded by the ship *Minstrel*, and had not been received at that date. In his despatch to Earl Bathurst, numbered 7 and dated 18th March, 1816 (*see* volume IX), Governor Macquarie stated, "I have much to Lament that I have not Yet been Honored with any Communication from Your Lordship on several very Interesting and important Points, relative to the Colony and my general Administration of its Government, as Contained in My Several Despatches, Addressed to Your Lordship in the Years 1813, 1814, and 1815, *per* the Ships *Minstrel*, *James Hay*, *Seringapatam* and *Wellington*." The despatches by the three last mentioned ships received acknowledgment on the 4th of December, 1815, and the 9th of April, 1816; but there is no record available that the despatches by the *Minstrel* and *Phoenix* received even a formal acknowledgment.

Note 2, page 4.

Also page 83.

To Lieutenant Colonel O'Connell, I made a Grant of Land . . . on his marrying the daughter of Governor Bligh.

Lieutenant John Putland died from consumption on the 4th of January, 1808, and his widow, Mrs. Mary Putland, who was the daughter of Governor Bligh, was married at government house, Sydney, to lieutenant-colonel O'Connell on the 8th of May, 1810. On the previous day, Governor Macquarie gave O'Connell a grant of 2,500 acres. This land was bounded by the Hawkesbury road, and adjoined the Copenhagen grant belonging to Governor Bligh. The grant was known as Riverston. On the 27th of June, Governor Macquarie gave Mrs. Mary Putland a grant of 1,055 acres in the district of Evan, adjoining the Frogmore farm, which had been given to her by Governor King.

Note 3, page 16.

I examined his body that Night. I did not discover any external marks of violence.

It is a well established fact in medical jurisprudence that ecchymoses or other external marks of violence are not always present when fatal internal injuries are received. A remarkable case in point is quoted by F. J. Smith,

M.D., lecturer in medical jurisprudence at London hospital. A boy, aged eight years, was brought to London hospital dead. It was supposed that he had been run over. No abrasions or bruising of the skin of the chest, nor behind the ribs or sternum were discovered. On opening the thoracic cavity, the upper lobe of the right lung was found to be severed at the root of the lung, and to be floating in the pleura, which was full of blood. It is probable that the death of William Holness was due to some parallel injury.

Note 4, page 26.

The Record Book of the Court of Criminal Jurisdiction.

This book is preserved in the office of the supreme court at Sydney.

Note 5, page 27.

Richard Brooks.

Richard Brooks had been master of the *Atlas* in 1802, of the *Alexander* in 1806, of the *Rose* in 1808, and of the *Argo* in 1811. He settled in the colony and resided at Denham Court, near Liverpool.

Note 6, page 29.

These Offices being judged . . . to be incompatible with a Military Commission.

This official statement was an early indication of the change of opinion which was taking place with regard to the colony. Prior to this date, no objection had been expressed, by the secretary of state for the colonies, to the practice of employing military officers in various colonial civil posts. In 1802, lieutenant-colonel Paterson had protested to Governor King against the employment of John Harris, surgeon, N.S.W. corps, and Francis Barrallier, ensign, as naval officer and on exploring duties respectively. He stated also that it was forbidden by the commander-in-chief (*see* page 670 *et seq.*, volume III). But Paterson himself, during his administration in 1809, had continued the practice. This despatch from under secretary Goulburn expressed the first official veto received by the governor.

Note 7, pages 29 and 160.

That of Mr. Lord excepted.

Three Thousand Acres of Land to Mr. Edward Lord.

In his despatch numbered 7 and dated 21st October, 1812 (*see* page 525, volume VII), Earl Bathurst instructed Governor Macquarie to give Edward Lord (late lieutenant of marines) a grant of three thousand acres of land.

In the registers preserved in the office of the registrar-general at Sydney, there is no record of a grant of three thousand acres to Edward Lord prior to the date of this despatch (28th April, 1814) of Governor Macquarie. There are deeds of grant to Edward Lord as follows:—15th June, 1810, 500 acres, west of the river Derwent, Tasmania; 10th June, 1815, 1,620 acres, adjoining the Kirkham grant in the county of Cumberland, N.S.W.; 4th August, 1821, 7,000 acres and 3,000 acres in the district of Sorell, Tasmania. It is probable that Governor Macquarie referred to the last of these grants, and that for some reason the actual issue of the grant was delayed for more than seven years.

Note 8, page 29.

A very favourable Report of Mr. Piper's Character and Services.

This report was contained in the thirty-ninth paragraph (*see* page 396, volume VII) of Governor Macquarie's despatch, numbered 1 and dated 18th October, 1811.

Note 9, page 37.

Your letter dated the 2nd Instant.

This letter was forwarded as number 4 in this correspondence (*see* page 41).

Note 10, page 61.

A Letter under a flying Seal.

This despatch, addressed to secretary Croker, will be found on page 30 *et seq.*

Note 11, page 62.

The Lords of the Admiralty to call Captain Case to a Public Account.

When Governor Macquarie's despatch was received in London, it was referred to the admiralty for comment. On the 6th of June, 1814, John Barrow, secretary at the admiralty, wrote, "My Lords are much inclined to consider Captain Case's Conduct as highly reprehensible, but until he can be heard in his own defence, they cannot take any decided step against that Officer. I am further to acquaint you that Orders are given to prevent the impressment of convicts, or their Entry on board His Majesty's Ships."

Note 12, pages 72 and 73.

A Dane named Jorgensen.

Information respecting a Plan for attacking the Colony.

An account of the life and adventures of Jorgen Jorgensen was published in the issues of Ross' *Van Diemen's Land Annual* for the years 1835 and 1838. This is said to be his own autobiography. According to this account, Jorgensen was born at Copenhagen in 1780. After serving four years' apprenticeship on an English collier, at the age of eighteen years he shipped on board the South Sea whaler *Fanny*, bound for the Cape of Good Hope. At this port, he joined the *Harbinger* (Black, master), and sailed on a voyage to Algoa bay and back. On his return, he shipped on board H.M. brig *Lady Nelson*, then on the voyage to New South Wales in which she sailed through Bass strait from west to east. For several years he sailed in the *Lady Nelson*, and rose to the rank of chief mate under lieutenant Symons. During these years, the *Lady Nelson* was employed in the examination of Port Phillip, Western Port, Bass strait, Port Dalrymple, and the Derwent river, as a tender to H.M.S. *Investigator* in her voyage as far as the Northumberland isles, and in founding the settlements on the Derwent river and at Newcastle. After leaving the *Lady Nelson*, he sailed on a sealing voyage to New Zealand. On his return to Sydney, he shipped on the *Alexander* (Rose, master), and arrived in London in June, 1806, after an adventurous voyage around Cape Horn. Jorgensen then visited Copenhagen, when Denmark was at war with England. In 1807, he took command of a Danish vessel mounting twenty-eight guns, with a crew of eighty-three men. This vessel was captured by H.M. sloop *Sappho* off Flamborough, and Jorgensen was landed as a prisoner of war at Yarmouth. About this time it became known in England that the inhabitants of Iceland were much distressed by the consequences of the war, and Jorgensen was allowed to sail in charge of a vessel loaded with provisions for the island. He accomplished this voyage successfully, a feat which was thought to be almost impossible, and at London loaded two more vessels with provisions for the same purpose. On his second visit to Iceland, permission for landing the provisions was refused. Jorgensen thereupon seized the governor, Count Tramp, and usurped the government. For some little time he carried on the administration as virtual king, and then paid a visit to England. Twenty-two days after his arrival in

London, he was arrested as an alien enemy, and confined for five weeks in Tothill fields prison and eleven months on the hulk provided for Danish prisoners of war. He was then released on parole, and resided for ten months at Reading. After several months of dissipation, he sailed for Lisbon, was arrested there, and sent back to England. He escaped, and again sailed for Lisbon, where he shipped on an English man-of-war, and in 1813 was invalided back to Portsmouth. He then came in contact with some persons he had met in Tothill fields prison, and obtained the information regarding the proposed French and American attack on the colony of New South Wales. The subsequent career of this romantic character will be found in a volume in series III.

In the public record office, London, the following paper is preserved, endorsed "Private." It was written by a Mr. H. Stuart in June, 1813, at Earl Bathurst's office, and was forwarded by under secretary Goulburn to secretary Croker for the information of the admiralty:—

"SUGGESTIONS for defeating an attempt reported to be in preparation against New South Wales by a Squadron of *Four* French and *One* American Frigate.

"The Course of the French Squadron, on escaping to Sea, is said to be intended as follows, vizt.:—

"To proceed, without stopping, to the Falklands Islands on the Coast of Patagonia in 52° South Latitude, there to be joined by the American Frigate; the whole to water there;—from whence they will proceed Eastward, to the Coast of New Holland, and make an attack upon Port Jackson. The time of sailing about November in the present year 1813.

"If there be any foundation for this Intelligence, it ought to be *particularly attended to*, in the adoption of Measures for defeating the attempt, that too much is not to be given to that part of the Account which States that the Squadron is to take an *Easterly* Course after touching at the Falkland Islands.

"I should hold it almost for certain, if they touch at all at those Islands, that their real intention is to round Cape Horne, and proceed to Port Jackson across the Pacific Ocean; And the Junction of the American Frigate still more fortifies this Conviction, because it is well known that the Americans are much better acquainted with the passage round Cape Horne than any other nation, not even excepting ourselves.

"An unaccountable dread of that passage still exists in the British *Navy*, which is not however to be found among the masters of our South Whalers, and still less among the Americans who laugh at any difficulty in doubling that headland *from the Eastward* at any time of the year.

"This dread is here the more noticed, because cases have occurred in the last 6 or 7 years, when it might have proved prejudicial to the Public Service, particularly in Genl. Crawford's proposed Expedition to the Coast of Chili in 1806 when the Navy judged it more prudent to proceed to that Coast by the Eastward.

"The causes of this Dread are not difficult to be traced; arising in the first place from the Circumstance of no British Man of War having rounded Cape Horne from the Eastward since Com^e Anson's Voyage in 1741 (*Note in original*.—except Captain Fleming in the *Standard*, who went to Lima in 1811); and 2d from the very tempestuous Weather experienced by that Squadron and the decided Opinion given by the Commodore that the Passage was only to be made in the Months of December and January. This opinion is now laughed at by our own Whalers and more so by the Americans who are more in the practice than ours of rounding Cape Horne *from the Eastward*, the British Whalers usually going out by the Cape of Good Hope, and

returning from *the Westward* by Cape Horne. The reason of this is that the Americans carry on a great trade with the Coasts of Chili and Peru, which induces their Vessels to take that Course, and they afterwards proceed to the Southern fishery.

"Annexed to this paper is a Memorandum of the winds in the Months of January, February, and March, 1806, taken from the Log of a South Whaler, which rounded Cape Horne from the *Westward* at that time, from which it will appear that the S. Westerly Winds so much apprehended in making that passage do not always prevail; and the result is that a Vessel proceeding round the Cape from the *Eastward* that year would have had no difficulty in making the passage, and consequently that no dependence is to be given to the Chance of an Enemy's Squadron meeting with difficulties now; and that therefore it becomes absolutely necessary to adopt *active measures* for intercepting them.

"The intelligence states that they will be ready to sail from a French Port in November next; and we may give them certainly not less than three months to make the run to the Falkland Islands. *The Vessel above alluded to made the run to England from thence in 94 days.* Supposing then the Enemy to put to Sea about the 15 November and to reach Falkland Islands about the Middle of February—and to stay there three weeks, they would double Cape Horne precisely at what has been reckoned the worst period of the Year. But if they made their passage without disaster they may be supposed to reach Port Jackson not earlier than the beginning of June, and probably still later. The vessel before alluded to made the run from Port Jackson to the Falkland Islands in 64 days.

"It is certain that if the Enemy arrived on the coast of New Holland, and are in strength sufficient to overpower the Troops stationed at Port Jackson, the damage, they will do, will be incalculable; and if they wish to keep possession of the Settlement, it will become extremely difficult to dislodge them.

"The next question is, what are the best Measures to be taken for intercepting them?

"The Port, where the French Frigates are equipping, is not mentioned, and it would for many reasons be imprudent to put any questions to the person who has given the information, because it cannot be a matter of much difficulty for the Admiralty to discover that Port; And too much dependance should not be placed on keeping them in port during the Winter.

"Two Line of Battle Ships should therefore be held in readiness, fully victualled and prepared, the moment the sailing of the frigates is known, and run direct for the Falkland Islands for the purpose of intercepting them, either on the passage, or at their Anchorage there.

"If the Enemy's Squadron have not been there, and no account of them can be obtained on the Coast of Patagonia, the two Ships should refresh there; or they might water there, and go round Cape Horn, to a Port in Chili; and from thence make the best of their way to Port Jackson—and after remaining there for such length of time as may be judged necessary they might proceed on to India.

"It is supposed that in the present State of the Navy, two Line of Battle Ships may much more easily be spared for this important Service, than 4 or 5 Frigates.

"If Ships at home cannot be spared, the only other means of effectually securing N. S. Wales from ruin seems to be, to instruct the Admiral commanding in the Indian Seas to detach two Line of Battle Ships to Port Jackson, so as to arrive there about the month of May, 1814, and to remain there until the Enemy's Squadron makes its appearance, or until the danger is over."

"It appears from the Log of the 'Honduras Packet,' a South Whaler that rounded Cape Horn from the Westward in January, 1816,—making the Cape on the 29th of that month that the Winds were as follows, viz.:—

From 15th to 22d Jany. in running down the parallels of 55 and 56 South Lat.	quite variable
From 23rd to 29 Jany. when She made Cape Horn	Chiefly W.S.W. but at times to the N. of W.
From 30 Jany. to 5 Feby. when She anchored at Falkland Islands	from all points of the compass.
From 6th Feby. to 12th Do at anchor there watering	from S.W. to N.N.W.
From 13 Feby. to 25th Do	variable
25th Feby to 4 March	Chiefly S.E.

In the autobiography before quoted, it is stated that two French vessels, under the command of Dillon, sailed on the expedition, but were wrecked near Cadiz; and that the Americans thereupon despatched a vessel, which captured and burnt seventeen whaling vessels in the year 1813.

The American ship referred to was probably the frigate *Essex*. This vessel, using the Marquesas islands as a base, made several captures of British shipping (*see* page 352 *et seq.*), but made no attempt to attack the settlements in New South Wales.

Note 13, page 79.

My Despatches for the other Public Officers at Home.

One only of these despatches is available, *i.e.*, to secretary Croker at the admiralty, dated 3rd August, 1813 (*see* page 30 *et seq.*).

Note 14, page 97.

That Island being within the Geographical Limits of this Territory.

The geographical limits of the jurisdiction of the Governor of New South Wales have been detailed in note 6, volume VII.

Note 15, pages 122 and 149.

Instructions to Mr. Evans.

Instructions to endeavour to effect a Passage from a place called Emu Island in as nearly a due Western Direction as possible over the blue Mountains.

It is difficult to explain the second quotation, unless Governor Macquarie intended to officially ignore the successful crossing of the main range of the Blue Mountains by G. Blaxland, W. Lawson, and W. C. Wentworth. On the 6th of June, 1813, they had returned after penetrating fifty-five and three-quarter miles to Mount Blaxland in a westerly direction from Emu island (*see* note 131). It is still more extraordinary, when it is remembered that, at the time of writing the despatch (28th April, 1814), Governor Macquarie had sanctioned the payment of £10 from the police fund for services in acting as a guide to G. W. Evans as far as Mount Blaxland, to James Burns, who had accompanied Blaxland and his party.

Note 16, page 124.

The Isabella having been wrecked on the Falkland Islands.

The *Isabella* was a vessel of 193 tons, and had cleared at Sydney on the 14th of November, 1812. On the 2nd of February following, she was wrecked on the Falkland islands. Fortunately all the crew were saved. In nineteen days, a small bark of about seventeen-feet keel was built from materials saved from the wreck. In this craft, the crew reached Buenos Ayres after an adventurous voyage of about thirty days.

Note 17, page 125.

*His Royal Highness entirely approves . . . the Removal of George Town.
The Propriety of establishing a Chain of Military Posts.*

Governor Macquarie's recommendations on these two subjects were contained in the seventh and eighth paragraphs (*see* pages 583 and 584, volume VII) of his despatch numbered 6 and dated 17th November, 1812.

Note 18, page 126.

The Circumstances which induced you to defer his Suspension.

Your Nomination of Mr. G. W. Evans.

The Appointment of Mr. M. Bowden . . . is also confirmed.

Your Recommendation of an Addition to the Salary of the Revd. Mr. Knopwood.

These four references were reported by Governor Macquarie in paragraphs 48, 10, 11, and 14 (*see* pages 611, 585, 585, and 587, volume VII) of his despatch numbered 6 and dated 17th November, 1812.

Note 19, page 126.

The Commissariat Establishment.

Prior to June, 1813, the commissariat department was a distinct colonial entity under the immediate control and direction of the governor for the time being. A separate establishment was created for it, and salaries were voted annually by parliament. On the 11th of June, 1813, David Allan arrived in the transport *Fortune*, holding the appointment of deputy commissary-general. On the 25th of the same month, he assumed control of the commissariat, and a new *régime* was established. The department became a branch of the office of the commissary-general in England, a sub-department of the treasury, and the officers held their appointments as part of the general English commissariat staff. The deputy commissary-general was head of the colonial branch, and was subject to the instructions and orders issued for the department generally, qualified by the local supervision of the governor of the colony. He communicated direct with his superiors in England, and not through the medium of the governor as formerly. It is evident that the functions of the governor were curtailed considerably by this change.

Note 20, page 127.

Paragraph 16 of your despatch No. 6.

My letter No. 11.

The paragraph referred to will be found on page 588, volume VII, and the letter numbered 11 on page 665 in the same volume.

Note 21, page 127.

The Measures . . . for settling . . . such Men of the Detachment of Marines.

The Delay in the Evacuation of Norfolk Island.

Reports on these two subjects were made by Governor Macquarie in paragraphs 18 and 19 (*see* page 590 *et seq.*, volume VII) of his despatch, numbered 6 and dated 17th November, 1812.

Note 22, page 127.

My letter, No. 13.

The 20th Paragraph of your Dispatch.

The letter numbered 13 will be found on page 669, volume VII, and the twentieth paragraph on page 592 *et seq.* in the same volume.

Note 23, page 128.

The Earl of Liverpool's letter, No. 15.

This despatch will be found on page 456, volume VII.

Note 24, page 129.

Encouraging the Barter of that Article.

During the administrations of Governor Macquarie's predecessors, whenever a vessel arrived with spirits as a part of her cargo, it was the practice for the governor to regulate their issue. A certain quantity was set apart for the use of the civil and military officers, and distributed *pro rata* according to their rank. This issue was fixed at cost price, with an advance to cover freight and insurance, and entirely without regard to the current market value at the time of issue. The privilege of this issue gave the officers manifest advantages, if they were desirous of trading. In this way, the barter of spirits by the officials was inadvertently encouraged.

Note 25, page 129.

The Character given by you of the Settlers from England.

Governor Macquarie's criticism of the free settlers will be found in his despatch, dated 17th November, 1812 (*see* pages 597 and 598, volume VII).

Note 26, page 129.

Your dispatch No. 6, Par. 24.

The Clauses you have inserted.

The twenty-fourth paragraph will be found on page 597, volume VII, and the clauses inserted in grants and leases on pages 626 and 627 in the same volume.

Note 27, pages 131 and 132.

A separate dispatch.—My Dispatch No. 12.—My dispatch No. 18.

The separate despatch was numbered 29 (*see* page 139). The despatches numbered 12 and 18 will be found on pages 666 *et seq.* and 697 in volume VII.

Note 28, page 132.

No. 9.—No. 21.—37 Paragraph of your Dispatch, No. 6.

The Earl of Liverpool's despatches numbered 9 and 21 will be found on pages 361 *et seq.* and 478 *et seq.* in volume VII; the thirty-seventh paragraph on page 606 in the same volume.

Note 29, page 132.

An Advertisement.

The advertisement appeared in the issue of the *Sydney Gazette* dated 21st March, 1812. It was as follows:—

“NOTICE.

“The Contractors for erecting the General Hospital having received numerous Applications from Settlers to receive Male Stock in Payment for the Purchase of Spirits to assist them at the present Season of Preparation for Sowing, they are making Arrangements, which will enable them to take a certain Quantity of Growing Beef and Mutton, and are ready to receive Proposals.”

Note 30, page 133.

The Communication.—*Your report.*—*A private letter.*

The previous "communication" was made by the Earl of Liverpool and not by Earl Bathurst; it will be found on page 463, volume VII. Governor Macquarie's reply or "report" will be found on page 609 in the same volume. The private letter *re* the naval officer will be found on pages 704 and 705 also in the same volume.

Note 31, page 134.

Not the least important part of your dispatch.

The reference was to the fifty-seventh paragraph of Governor Macquarie's despatch dated 17th November, 1812 (*see* pages 616 and 617, volume VII).

Note 32, page 137.

Also page 153.

A Room 20 feet Square.

In consequence of this application, wards in the new building for the general hospital in Macquarie-street were allocated for the use of the supreme court (*see* page 380 *et seq.*). The "Room 20 feet Square" was part of the residence of the judge-advocate, and had been erected by Ellis Bent under a contract with the government (*see* page 390).

Note 33, page 139.

Mr. J. H. Bent.

Jeffery Hart Bent had been recommended by Governor Macquarie in his despatch, dated 28th June, 1813 (*see* page 777, volume VII), as a puisne judge. He arrived on the transport *Broxbornebury* on the 28th of July, 1814. Owing to his refusal to admit emancipists and ex-pirées to practise as attorneys in the supreme court, which caused the suspension of all sittings of that court (*see* page 495 *et seq.*), he was severely censured and recalled by Earl Bathurst in a despatch, dated 12th April, 1816 (*see* volume IX). He subsequently became chief justice of British Guiana, and died at George Town, Demerara, at the age of 72 years, on the 29th of June, 1852.

Note 34, page 139.

The New Charter of Justice.

The full text of the letters patent will be found in a volume in series IV. By this charter, the clauses relating to the court of civil jurisdiction and civil procedure, under the letters patent dated 2nd April, 1787, were revoked. Three new courts were established—the supreme court, the governor's court (*see* note 121), and the lieutenant-governor's court.

The supreme court consisted of a judge, appointed in England, assisted by two magistrates of the territory, appointed from time to time by the governor (or the lieutenant-governor) for the time being. It was constituted a court of record. It was specially empowered to make rules of practice, to nominate clerks and officers, and to settle a table of fees; but all these functions were subject to the consent and approbation of the governor.

The court had three jurisdictions—ordinary, equity, and a limited ecclesiastical. In the *ordinary* jurisdiction, it took cognizance of all pleas of land, and all personal pleas whatsoever, provided that the debt or thing in demand exceeded the sum of £50 sterling. In the *equity* jurisdiction, it was directed to follow the rules of the high court of chancery in England. The *ecclesiastical* jurisdiction was confined to the granting of probates of wills or letters of administration.

Appeals from the decision of the court were permitted to the governor sitting in court of appeal; but it was provided that the governor should be assisted by the judge-advocate in all cases, where the debt or thing in demand exceeded £300 sterling, and in such cases where the decision of the supreme court had not been unanimous, and the judge had been the minority and had duly recorded his protest. Judgments in appeals were final, when the debt or thing in demand was less than £3,000. Appeals to the privy council from the court of appeal were allowed, when the amount involved exceeded £3,000.

The letters patent provided also that all cases pending before the old civil courts should be transferred intact to the new courts.

The lieutenant-governor's court possessed similar powers and jurisdiction to the governor's court (*see* note 121), except that its practice was limited to Tasmania.

Note 35, page 139.

My Dispatch No. 13.

This despatch was dated 23rd November, 1812 (*see* page 669 *et seq.*, volume VII).

Note 36, page 146.

In a former Dispatch.—My Proclamation.

The references were to the 16th paragraph of the despatch, dated 28th June, 1813, and to the proclamation, dated 1st July, 1813 (*see* page 722 *et seq.* and page 750 *et seq.*, volume VII).

Note 37, page 146.

A Receipt for the Amount.

A copy of this receipt will be found on pages 332 and 333.

Note 38, pages 149 and 165.

This Tour.

Assistant-Surveyor Evans' Journal.

This journal is preserved in the record office, London, and is contained in an ordinary memorandum book of 58 pages.

George William Evans was born in 1778. During the years 1798-1801, he was attached to the naval storekeeper's department at the Cape of Good Hope. He arrived in Port Jackson *per* H.M.S. *Buffalo* on the 16th of October, 1802, and seventeen days later he was appointed storekeeper at Parramatta. On the 10th of August, 1803, he was appointed acting surveyor of lands, and held this office until the 22nd of February, 1805, when he was discharged for fraud. In November, 1809, he was appointed deputy surveyor of lands by lieutenant-governor Paterson, and to this appointment he was confirmed by Governor Macquarie. Some time after the death of George Prideaux Harris in 1810, Evans was appointed to the vacant post of deputy surveyor at Hobart.

G. W. Evans, on his expedition to the Macquarie river, was accompanied by five men, one of whom, James Burns, or Byrnes, had accompanied G. Blaxland, W. Lawson, and W. C. Wentworth on their expedition when the practical route over the Blue Mountains was discovered. Burns acted as guide to the party, and for this service received a special payment of £10 from the police fund on his return.

On the 19th of November, 1813, Evans crossed the Nepean river, from Daniel Woodriff's farm to Emu plains, at the shallows, which lie a little

below the modern railway bridge. Difficulty was experienced by Burns in finding the way to the site of their first mountain camp in the neighbourhood of Springwood; a similar difficulty was encountered by Blaxland and his party in the same locality on their return journey (*see* note 131). In the morning of the third day after leaving Springwood, the termination of the Blue Mountains was reached at Mount York. Here a week's provisions were stowed in some hollow cliffs. Three hours were occupied in descending the mountain, and camp was pitched on the banks of the river Lett. The following day was devoted to resting the horses. On the 26th, the night was spent at the foot of Mount Blaxland, which was the termination of the journey of Blaxland, Lawson, and Wentworth, and close to Cox's river. Four days later the main dividing range, separating the eastern and western watersheds, was crossed, and Evans encamped on the banks of the Fish river in the neighbourhood of Waterfall creek. On the 1st of December, Evans commenced his journey down the river on the left bank. On the same day, the remarkable peak, known as Evans' Crown, was noted. Seven days were spent in following the course of the Fish river to its junction with Campbell's river, passing on the journey through Sidmouth valley and across O'Connell plains. Evans ascended Campbell's river for six miles, a little above Apsley, without finding a ford, and was compelled to construct a bridge of logs to cross over to the western bank. The stream formed by the junction of the two rivers, he named the Macquarie river. He followed this river down on its left bank, and on the night of the 9th December encamped on a site now included within the city of Bathurst. For the following two days, he practically followed the route of the road from Bathurst to Ophir, and discovered and named Mount Pleasant. On the night of the 11th, he encamped in the neighbourhood of the locality where the Ophir road begins to ascend the hills and leaves the river flats. Four more days were spent in following the windings of the river for twenty-six and three-quarter miles, as measured by Evans. On the 15th, when in the neighbourhood of Billiwillinga, he described the rocky character of the hills towards Byng, in the south, and Lewis Ponds, in the west. On the 17th, the journey was terminated in the neighbourhood of Chamber's creek. The return was commenced on the following day, and the ford on the Nepean river was reached three weeks later.

As a reward for their services in the discovery of the western watershed and the fertile Bathurst plains, James Burns, Richard Lewis, John Tighe, John Grover, and John Coogan received a donation of £35 from the police fund; and G. W. Evans was paid £130 from the same fund for leading the expedition, and for extra duties performed in Tasmania. In general orders dated 12th February, 1814 (*see* note 132), Governor Macquarie made promises of land grants to each member of the party.

Note 39, page 150.

The Subject of the Government Wild Cattle.

Governor Macquarie referred to the problem of the wild cattle in his despatches, dated 18th October, 1811, and 17th November, 1812 (*see* pages 380 and 595, volume VII).

Note 40, page 151.

A former Dispatch.

Governor Macquarie detailed his proposal for the establishment of a distillery in his despatch dated 17th November, 1812 (*see* page 592 *et seq.*, volume VII).

Note 41, page 152.

The Buildings and Improvements.

The barracks were erected near the site of Wynyard-square, and the stone wall followed the western alignment of George-street from Barrack to Margaret streets, and along the last two streets to a little west of York-street.

The building erected for the military hospital forms a part of the present Fort-street school buildings.

Note 42, page 152.

Also pages 314, 467, and 558.

A very good Road.

The method of making the early roads was somewhat primitive. An alignment was marked by blazing the trees along a route which presented the least difficulties. A track was cleared and grubbed along this route, the road was graded, bridges and small culverts were made where necessary, but no attempt was made to metal it, and in rare cases only was it fenced. Several day-books of William Cox, when road-making, are extant, and they illustrate the method adopted. In making the road across the Blue Mountains, his road party consisted at first of a superintendent and guide, who had been members of Evans' exploring party, a storekeeper, doctor, constable, overseer of tools, carpenter, blacksmith, miner, two bullock drivers, twenty labourers, and a sergeant, corporal, and six privates of the Royal Veteran company as a guard. The men were divided into messes, and one man in each mess was detailed to draw the rations for his comrades. Depôts were formed successively near Blaxland and Wentworth Falls; and at Blaxland a strong storehouse, twenty-four feet by twelve, was erected to contain the provisions and tools. For his own convenience, Cox converted a cart into a caravan, which was provided with a sleeping berth and lockers for his personal property. The road was commenced on the 18th of July, 1814, by cutting an approach to Emu ford down the eastern bank of the Nepean river; it was completed to Bathurst on the 14th of January, 1815. All obstacles were overcome; rocks were blown up with gunpowder; boulders were levered out, or removed by block and tackle from the alignment of the road. The construction of Cox's pass at Mount York was commenced on the 7th of November, and completed on the 15th of December, 1814. This was the most formidable obstacle.

Note 43, page 155.

Medical Men should be encouraged to come out to this Colony as Free Settlers.

In the early days of the colony, all medical practitioners held an official status on the colonial establishment. Their duties were to attend on the civil staff and their families, and on the convicts; at the outlying settlements, they were also expected to attend on poor settlers and the military detachments, but this latter duty was on several occasions called in question by the civil surgeons. They were allowed to charge private fees for attendance on persons not included in the above classes; but it was not until the beginning of the nineteenth century that the class of settlers, traders, and merchants had developed sufficiently to create a demand for a private practitioner. During his administration, Governor Phillip appointed John Irving an assistant to the surgeons at a salary of £50 *per annum*, and on the 16th of December, 1791, gave him the first pardon granted in the colony. Irving's appointment was the first addition to the colonial medical staff. In 1792, Thomas Arndell, a member of the first surgical staff, applied for permission to retire; he settled at the Hawkesbury, and carried on a small private

practice there. On the 21st of July and the 12th of August, 1801, Governor King pardoned Daniel McCallum and Bryan O'Connor in order that they might practise as surgeons. In September, 1808, William Redfern and Edward Luttrell submitted themselves to an examination (*see* page 647, volume VI) as to their fitness for an appointment on the colonial medical staff. This system of colonial medical examinations was subsequently extended to all who commenced practice in the colony; those who failed to pass the test were gazetted, and ordered to desist from practice. In 1813, a youth, named James Sheers, was legally apprenticed to William Redfern; apprenticeship to a qualified surgeon was the orthodox method of medical study at that date, and Sheers became the first medical student. He did not complete his articles, but died in 1814. In the latter year, Redfern indentured a second apprentice, named Henry Cowper, who was fourteen years of age. Cowper subsequently became an assistant at the general hospital.

Note 44, page 158.

A former Dispatch.

Governor Macquarie referred to the thirteenth paragraph of his despatch dated 17th November, 1812 (*see* page 587, volume VII).

Note 45, page 159.

A liberal Portion of Land to Mr. John Dickson.

The three thousand acres given to John Dickson are situated in the district of Cooke, and this area is bounded on the west by South creek, and on the north by Lowe's creek. The deed of grant was dated 20th June, 1816, and in the copy preserved in the office of the registrar-general, Sydney, the grantee's name is John Dixon.

The land granted in the city of Sydney consists of fifteen acres three roods and four perches, and is situated on the west side of George-street to the south of Liverpool-street. This grant extended to the stream at the head of Cockle bay or Darling harbour. The modern title to this land is founded on a grant to John Dickson by Governor Sir Ralph Darling, dated 8th March, 1831. This deed was issued in consequence of the confusion which arose with regard to land titles within the city of Sydney owing to various causes, chiefly the non-payment of quit rents. (*See* volume of despatches during the administration of Sir Ralph Darling.)

Note 46, page 179.

A Letter.

This letter will be found on pages 704 and 705, volume VII. The despatch dated 31st July, 1812, is printed on page 514 *et seq.* in the same volume.

Note 47, page 207.

The Fees.

The schedule of fees will be found on page 128, volume I.

Note 48, page 211.

Also page 220.

His Knowledge and Talents have been much over rated.

John Hutchison was strongly recommended by the society of arts in London (*see* page 541 *et seq.*, volume VII) as one capable of making researches into the natural products of the country. An examination of his letters, which were forwarded with this despatch, will show that the recom-

mendation had little foundation, and that Governor Macquarie's estimate of his capabilities was correct. In the eleventh paragraph of his letter of the 31st of March (*see* page 222), he stated "the Tanning Principle is more Solueable than the Astringent," whereas the tanning principle is the astringent. This elementary mistake is sufficient to cast discredit on his knowledge and capabilities for research, apart from his failures in the partnership with Simeon Lord.

Note 49, page 212.

A Letter from the Right Honble. Earl Bathurst.

The Memorial of the Society of Arts.

The letter and the memorial will be found on page 540 *et seq.*, volume VII.

Note 50, page 235.

Sundry Documents.

These documents were forwarded with the Earl of Liverpool's despatch, dated 2nd May, 1812 (*see* page 466 *et seq.*, volume VII).

Note 51, page 241.

It has been generally supposed.

At the time of the visit of commodore Baudin with the French ships *Geographe* and *Naturaliste* to Port Jackson, rumours were current in Sydney as to the objects of the expedition to southern seas. A few hours after the vessels cleared the heads on the 17th of November, 1802, Governor King was informed (*see* page 737 *et seq.*, volume III) that the French intended to form a settlement in Storm Bay passage. King, thereupon, sent Charles Robbins off post haste in the schooner *Cumberland* to forestall the attempt (*see* page xii, volume IV). When the settlement at Risdon Cove was founded in 1803, King gave lieutenant John Bowen confidential instructions (*see* page 153, volume IV) to prevent the formation of any settlement in Tasmania by French ships or the ships of any other nation. These were the previous official actions taken in consequence of the suppositions to which Governor Macquarie referred.

Note 52, page 243.

Some Officers have been permitted to return to New South Wales to resume their Military Duties.

John Brabyn and William Lawson had been lieutenants, and Archibald Bell, ensign, in the New South Wales Corps (102nd regiment) at the time of the arrest of Governor Bligh and the usurpation of his government. They were ordered to England, and later permitted to return to the colony. Brabyn was appointed captain, and Lawson and Bell, lieutenants, in the royal veteran company.

Note 53, page 268.

My Letter No. 29.

This despatch will be found on page 139.

Note 54, page 269.

That part of the Old Patent.

The letters patent constituting the courts of law, dated 2nd April, 1787, will be found in volume I, series IV. The part which was revoked by the new letters patent consisted of clauses 3 to 15 relating to the constitution.

jurisdiction and procedure of the court of civil jurisdiction. The objections to the court established under the first patent were fully discussed by Governor Macquarie and judge-advocate Bent in letters dated 18th and 19th October, 1811 (*see* pages 393 and 814 *et seq.*, volume VII).

Note 55, page 273.

Mr. Allen Cunningham and Mr. James Bowie.

Allan Cunningham was born at Wimbledon, Surrey, on the 13th of July, 1791. On the 9th of September, 1814, at the instigation of Sir Joseph Banks, he was appointed, in association with James Bowie, to collect plants for the Kew gardens, London. Shortly afterwards the two botanists sailed from England, and arrived at Rio de Janeiro on the 28th of December following. They were engaged in botanical research in the Brazils until August, 1816, when orders were received for Bowie to proceed to the Cape of Good Hope and Cunningham to New South Wales. On the 28th of September, they separated and embarked at Rio for their respective destinations. Cunningham arrived at Port Jackson on the transport *Surrey* in December, 1816.

Note 56, page 274.

An infectious fever.

This was the second well-defined outbreak of typhus fever on transports during the voyage to New South Wales, the first being on the transport *Hillsborough*. The convicts on the transports of the second fleet, which arrived in 1790, and those on the transport *Royal Admiral*, which arrived on the 3rd of October, 1792, suffered severely from sickness. In these cases, it is probable that the mortality was due to scurvy, and a less malignant fever than true typhus or gaol fever. On the 26th of July, 1799, the transport *Hillsborough* arrived. She had sailed with three hundred male convicts, and of these ninety-five had died on the voyage, and six more within a few days of arrival in Port Jackson. There is little doubt that most of these deaths were due to typhus fever. Although on two occasions (1799 and 1814) typhus fever was introduced into the colony, it did not gain a foothold. This is somewhat remarkable, as, in the case of the *Hillsborough*, the sick, who were landed, were not quarantined, but were crowded into the general hospital. It must be remembered, however, that the hardships of a voyage to New South Wales were so great, that the strong alone survived; and the early pioneers were in consequence of sturdy stock, and more resistant to the attacks of disease.

Note 57, page 295.

A Strict Quarantine.

A camp was formed on the north shore of Port Jackson, and the sick from the *Surrey* were landed. In general orders, dated 30th July, 1814, all persons, excepting the medical officers and quarantine attendants, were forbidden to approach the ship and the camp. The ship was released from quarantine by general orders dated 13th August, and five days later all quarantine restrictions were removed.

Note 58, pages 296 and 317.

Sir John Jamison.

Sir John Jamison was the son of Thomas Jamison, who had arrived in the colony as surgeon's first mate on H.M.S. *Sirius*, and had risen subsequently to be principal surgeon on the colonial staff. He was born in 1776, and was educated as a surgeon. He entered the navy, and in 1807 he was on service

in the Baltic sea. Whilst on this duty, he was instrumental in the successful treatment of an outbreak of cholera and dysentery in the Swedish army, and was created a knight of the order of Gustavus Vasa by Charles XIII, king of Sweden. On the death of his father in 1811, he inherited his property in the colony, and after his arrival in the *Broxbornebury* he became one of the leading colonists.

Note 59, page 301.

Also page 381.

The two Wards of this Building.

The building erected for the general hospital was divided internally into two separate and non-communicating portions, each with a separate entrance, hall, and staircase to the upper wards. The two wards, assigned by Governor Macquarie for the use of the courts, were at the northern end of the building. When the accommodation was extended by the addition of two more wards, the entire northern half of the building was allocated for the use of the courts. On each floor, there were two wards, 58½ feet and 61½ feet long and 24 feet wide, separated by a hall, 24 feet by 18 feet.

The principal surgeon's quarters, of which Mr. Justice Bent desired to obtain possession, now form the central portion of parliament house. They contained four rooms and two halls on each floor; each room measured 24 feet by 22 feet, and each hall 24 feet by 18 feet. The surgeon's quarters possessed the advantage of being a detached building, but the accommodation for court rooms could not be compared.

Note 60, page 302.

My Dispatch, No. 6 of 1812.

This despatch was dated the 17th of November (*see* page 580 *et seq.*, volume VII).

Note 61, page 302.

Mr. E. S. Hall.

Edward Smith Hall was strongly recommended as a settler in under secretary Goulburn's despatch dated 20th December, 1810 (*see* page 349, volume VII), and arrived in the colony at the beginning of 1812. Governor Macquarie's estimate of his character was not justified by his subsequent career. In 1814, he was one of the promoters of the New South Wales New Zealand Company (*see* page 583 *et seq.*). On the 27th of February, 1817, he was appointed the first cashier and secretary of the Bank of New South Wales. In 1826, he was proprietor, editor, and publisher of the newspaper *Monitor*, which took a leading part in the fight against Governor Sir Ralph Darling for the liberty of the press (*see* succeeding volumes).

Note 62, page 304.

The present Rent.

The quit rent was two shillings *per* hundred acres or six twenty-fifths of a penny *per* acre. The proposed new rate of twopence *per* acre was eight and one-third times this rate.

Note 63, page 305.

Collector of Quit Rents.

James Meehan was appointed "Inspector of Streets and Collector of Quit Rents for Sydney" at a salary of £136 17s. 6d. *per annum*, paid from the

police fund. The collection of quit rents was not systematically undertaken. The result was chaos in the titles to land in the city of Sydney. Drastic action was taken in consequence during the administration of Sir Ralph Darling (*q.v.*).

Note 64, pages 305 and 306.

Your Lordship's Commands.—*My opinion.*

The "commands" were contained in the thirty-eighth paragraph of Earl Bathurst's despatch dated 3rd February, 1814 (*see* page 133). The request for Governor Macquarie's opinion was contained in the fourth paragraph of the same despatch (*see* page 125).

Note 65, page 309.

A former Dispatch.

The reference was to the twentieth paragraph of Governor Macquarie's despatch, dated 17th November, 1812 (*see* page 592 *et seq.*, volume VII).

Note 66, page 309.

Also pages 310, 463, and 641.

The Contractors demanded a Compensation.

By the terms of the agreement for the erection of the general hospital (*see* page 401 *et seq.*, volume VII), D'Arcy Wentworth, Alexander Riley, and Garnham Blaxcell were granted permission to import 45,000 gallons of spirits during the currency of the contract. At the same time, Governor Macquarie, on behalf of the government, agreed that, prior to the 31st of December, 1813, no permit should be given for the importation of spirits "Excepting only what Government may deem it necessary to import for their own use and occasions." Macquarie did not fully or accurately report to the secretary of state the circumstances of the compensation, which he gave to the contractors for breaches of this condition. On the 12th of January, 1812, the contractors wrote to Macquarie stating that 10,000 gallons had been landed contrary to the contract. Part of these spirits had been imported to Tasmania; the balance gained admission as the result of Macquarie granting permission to the masters for the payment, in spirits, of the cost of refitting their vessels. The governor admitted these breaches, and granted the contractors permission to import an additional 10,000 gallons, and an extension of the monopoly for six months. After making this compensation, Macquarie, in his desire to secure the erection of public buildings as rapidly as possible, paid many of the workmen in spirits. On the 18th of December, 1812, the contractors again wrote to Macquarie, stating that, during the previous twelve months, 12,000 gallons had been issued from the public stores, which exceeded by 2,500 gallons the quantity which was permitted under the contract. Damages were claimed thereupon. For the second time, Macquarie was compelled to admit the breach, and in compensation granted the contractors the right to import a further quantity of 5,000 gallons and an extension of the monopoly for an additional six months. In this manner, the privilege of importing 45,000 gallons was increased by 15,000 gallons, and the monopoly was extended by twelve months.

Note 67, page 310.

Your Lordship's Commands.

The "commands" were contained in the nineteenth paragraph of Earl Bathurst's despatch dated 3rd February, 1814 (*see* page 128).

Note 68, page 311.

Also page 332.

These Dollars pass for Six Shillings and threepence Sterling each.

Each Spanish dollar was divided in the colony into two parts, the holey dollar and dump (*see* page 751, volume VII). The holey dollar passed current at five shillings sterling, and the dump at one shilling and threepence. It was the two divisions of the original dollar which passed current for six shillings and threepence.

Note 69, pages 312 and 333.

The Sentence of a Court Martial.

The charges preferred against, and the sentence passed on, Leonard Fosbrook will be found on page 238 *et seq.*

Note 70, page 313.

My former Dispatch.—A Separate Dispatch.

These two dispatches will be found on page 249 *et seq.*, and on page 367 *et seq.*

Note 71, page 315.

Your Lordship's Sanctioning . . . as formerly proposed by me.

Governor Macquarie's proposal for the augmentation of the bodyguard will be found on page 613, volume VII, and Earl Bathurst's approval of the change on page 133 in this volume.

Note 72, page 315.

Also page 484.

The Re-Admission to Society of Certain Persons.

Governor Macquarie had reported the policy, which he intended to adopt with regard to expiries and emancipists, in paragraphs 94 and 57 (*see* pages 275 and 616, volume VII) of his despatches, dated 30th April, 1810, and 17th November, 1812. This policy was approved by a select committee of House of Commons (*see* page 527 in this volume), but was the principal source of the opposition to Macquarie's administration (*see* introduction, volume IX).

Note 73, page 317.

My Nepean grazing Farm.

Sir John Jamison's farm comprised one thousand acres inherited from his father, surgeon Thomas Jamison, to whom it had been granted. This land lies on the eastern side of the Nepean river, south of captain Woodruff's grant, and its southern limit lies a little south of the mouth of Mulgoa creek. Part of the area is now known as Jamison town, near Penrith. Jamison was in error when he stated that there were only two small farms of one hundred acres each on his eastern boundary. There were three small grants made by lieutenant-governor Paterson, viz.—one hundred acres to Thomas Rose; sixty acres to Obediah Ikin; fifty acres to Charles Thompson. These three areas had been regranted by Governor Macquarie by deed, dated 1st January, 1810.

Note 74, page 326.

The Pay of a Clerk in the Commissariat Department.

The senior assistant surgeon on the colonial staff received £182 10s. 0d. *per annum*, the second and third £136 17s. 6d. each, and the fourth and

fifth £91 5s. 0d. each, without recognised allowances. A junior clerk in the commissariat received £50 a year with an allowance by regulation of bāt and forage; this allowance was of considerable value in the colony.

Note 75, page 327.

The Original establishment of the Colony.

This return is incorrect. On the original establishment, there were no appointments made of a naval officer, assistant chaplain, deputy surveyor-general of lands, or master builder of the dockyard.

Note 76, pages 328 and 331.

A despatch.

This despatch was dated 3rd February, 1814 (*see* pages 135 and 136).

Note 77, page 329.

Lands held in Perpetuity.

Lands were held in perpetuity by grant from the crown, subject to the payment of an annual quit rent. All the grants, however, were not similar, and various minor conditional clauses had been inserted by different governors. These clauses laid down such conditions as the term of years necessary to hold the grant before a sale could be effected; the reservation to the crown of all timber, growing or to grow, which might be required for naval purposes; the exemption of exotic timber from the previous reservation; the clearing and cultivation of certain areas of the grant within a fixed period; the right of the crown to make roads through the grant when required.

Note 78, page 338.

A Mutual Interchange of very Important Favors.

This interchange consisted of the making of three grants by Governor King to Governor Bligh on the 10th of August, 1806, and the issue of a grant, dated 1st January, 1807, by Governor Bligh to Mrs. Anna Josepha King, the wife of Governor King (*see* page xv, volume IV, and page xiii, volume VI).

Note 79, page 339.

One Consisting of 105 Acres.

This grant was known as Mount Betham. It was situated on the northern and eastern banks of the Parramatta river to the west of Lennox bridge. The deed also included the reversionary title to two leases made to Eccles and Caley. The details of the surrender of this grant by Sir Maurice O'Connell will be found on page xiii, volume VI.

Note 80, page 339.

The Standing Orders of His Majesty's Ministers.

These orders were announced by Governor King in general orders dated 11th June, 1801 (*see* page 255, volume III).

Note 81, page 340.

A small piece of Ground.

A copy of the deed of lease for this ground will be found on page 342. The land was situated in what now forms the Inner Domain. The bake-house was built at the northern end of the lease, close to the site of the present Conservatorium of Music.

Note 82, page 340.

The Government Domain was originally marked out . . . by Governor Phillip.

The reservation of a domain for the use of government house has been detailed in note 38, volume VI.

Note 83, page 342.

Register No. 1.—Register No. 3.

These registers are extant, and still in use at the office of the registrar-general, Sydney. Register No. 1 is a large double folio volume with paper bearing no watermark. Register No. 3 is a folio volume with paper water-marked "T. Wilmott" on one leaf, and an armorial design over the letters "G.R." on the other leaf.

Note 84, page 347.

The Spot where the Military Hospital is now erecting.

This is now the site of the Fort-street school buildings.

Note 85, page 349.

The orders of H.M. Ministers.

In the fifth article of the governor's instructions, it was enacted "that the Productions of all descriptions acquired by the labour of the Convicts shall be considered as a Public Stock." In general orders dated 11th June, 1801, Governor King had published the instructions (*see* page 255, volume III) relating to leases of lands cleared by convict labour.

Note 86, page 369.

Also page 467.

A piece of Land.

Governor Macquarie made several attempts to civilize the aborigines and to raise them to the level of the white races. An example of this policy is found in the issue of a land grant of thirty acres in the district of Bathurst to a native, named Colebee. This grant was dated 31st August, 1819.

Note 87, page 380.

A Representation to Your Lordship on the Subject of the Arrangement.

The correspondence between Earl Bathurst and the Messrs. Bent will be found in a volume in series IV. Governor Macquarie reported the arrangement in the twelfth paragraph of his despatch dated 7th October, 1814 (*see* page 300).

Note 88, page 381.

This Country has been heretofore exempt from All such Visitations.

This statement by Governor Macquarie is inaccurate. In 1789, there had been an outbreak of small-pox amongst the aborigines (*see* note 118, volume I); there had also been an introduction of typhus fever (*see* note 56). Fortunately neither of these diseases had assumed an epidemic character amongst the colonists.

Note 89, page 381.

The Whole of the Building.

This building now forms the central portion of parliament house in Macquarie-street. The internal design of the building has been described in note 59.

Note 90, page 387.

Also page 573.

The Female Ornithorhynchus.

The duck-billed platypus or *Ornithorhynchus paradoxus* was first described by Shaw in the *Naturalists' Miscellany*, vol. X, June, 1799. He bestowed the name of *Platypus anatinus*; but, as the name *Platypus* had been previously applied to a genus of insects, the name *Ornithorhynchus*, given by Blumenbach, became universally adopted. When first discovered, the colonists called it the water mole. As it possesses a bill like a duck and fur like a mole, it caused considerable astonishment when discovered.

Note 91, page 390.

A very liberal and favorably Circumstanced Grant.

On the 1st of January, 1811, Governor Macquarie issued a grant of 1,265 acres to judge-advocate Ellis Bent on the right bank of the Nepean river in the district of Bringelly. This grant was known as Moulsey.

On the 10th of June, 1815, Bent received a second grant, comprising 800 acres lying to the north-east of his first grant.

Note 92, page 394.

Also page 400.

Bench Book.

The bench of magistrates consisted of two or more justices of the peace including the judge-advocate. The first sittings had been held on the 19th, 21st, 22nd, and 23rd February, 1788, and the bench had assembled whenever required, subsequent to these dates. At all these sittings the judge-advocate had presided. The minutes of the proceedings of all meetings were submitted to the governor, and in the early days it was customary for the governor to initial them, and to confirm, modify or disallow sentences inflicted.

Note 93, page 401.

Observations I believe to be in perfect conformity with the law of England.

In a letter dated 12th April, 1816, to Ellis Bent (*see* volume IX), Earl Bathurst criticised the action of the judge-advocate, and stated, "I am utterly at a loss to discover how you could have made those Port Regulations (which I believe with only two exceptions have already been sanctioned from this Country, and acted upon for a considerable length of time) the Ground of a serious difference with the Governor; and still less can I conceive your dread of incurring the Responsibility which would attach to modifying some of those regulations according to your own suggestions, and to improving others, although you might consider them of doubtful Expediency." In the same letter, Earl Bathurst announced Bent's recall and the appointment of John Wyld, LL.B., to succeed him as judge-advocate.

Note 94, page 401.

The Manuscript Copy.

The draft of the proposed port regulations will be found on page 411 *et seq.*

Note 95, pages 425, 427, and 428.

Unfounded Claims.—They have Sworn.—My Agreement.

John Blaxland's claims were contained in his letter dated 3rd January, 1815 (*see* page 428). The affidavits of John and Gregory Blaxland, relating

to their wealth, will be found on pages 569 and 577, volume VII. The terms of John Blaxland's agreement with the government will be found on page 491, volume V.

Note 96, page 426.

A large Tract.

The area selected by John Blaxland was situated in the district of Mulgoa. John Blaxland, junior, subsequently received a grant of 600 acres in this locality. John Blaxland, senior, was granted the estate of Luddenham in the parish of Bringelly.

Note 97, page 438.

I therefore wrote Home early in the Year 1810.

Governor Macquarie's suggestion for detailing two small brigs for the exclusive service of the colony will be found in paragraph 40 (*see* page 224, volume VII) of his despatch dated 8th March, 1810.

Note 98, page 442.

The Frame of a Government Vessel.

The keel of this vessel had been laid down by Governor Hunter at the end of the year 1797, in consequence of the condemnation of H.M.S. *Supply*. Her frame was made of timber from ironbark and stringybark trees. In Governor King's reports, she was returned as "In frame, no Shipwrights to work on her," and was referred to as the brig *Portland*. On the 13th of June, 1816, the vessel was launched by Governor Macquarie, and named the *Elizabeth Henrietta*, in honour of Mrs. Macquarie.

Note 99, page 445.

Governor Macquarie's late Proclamation.

This proclamation will be found on page 264 *et seq.*

Note 100, page 460.

On a former occasion, I took the liberty to recommend Major General Foveaux.

The recommendation was contained in the despatch dated 30th April, 1814 (*see* pages 242 and 243).

Note 101, page 462.

Your Lordship's Letters.—The Letters.

These letters will be found on pages 268, 269, and 266 *et seq.* respectively.

Note 102, page 462.

His Majesty's Colonial Brig Emu.

This was the second brig of the same name. The first *Emu* was captured by the American privateer *Holkar* (*see* note 188, volume VII).

Note 103, page 464.

The Custom of Supplying Settlers . . . from the King's Stores.

The origin of this practice has been detailed in note 83, volume VII.

Note 104, page 465.

I Issued a Proclamation.

This proclamation will be found on page 264 *et seq.*

Note 105, page 467.

I informed Your Lordship in a former Dispatch.

The reference was to paragraph 36 (*see* page 314) of the despatch, dated 7th October, 1814.

Note 106, page 472.

The Accompanying Affidavits.

Copies of these affidavits will be found in a volume in series III.

Note 107, page 473.

The quantity destroyed at Mr. Humphrey's and Reardon's.

A. W. H. Humphrey and Bartholomew Reardon had farms in the district of Pitt Water, Tasmania, situated about a mile from one another. In the middle of a night early in March, 1815, their barns and stacks of produce were set on fire by bushrangers, and almost entirely consumed. Reardon lost the crop from sixty-five acres of wheat, ten acres of barley, and two acres of pease, with the exception of fifty bushels of wheat and forty or fifty sheaves, which were saved from the fire.

Note 108, page 479.

In a former Dispatch.

The reference was to paragraph 11 (*see* page 300) of the despatch dated 7th October, 1814.

Note 109, page 480.

William Broughton and Alexander Riley, Esquires.

William Broughton arrived in the colony with the first fleet. He was appointed storekeeper at Parramatta on the 20th of February, 1789. He remained at this post until the 12th of December, 1800, when he was appointed acting deputy-commissary at Norfolk Island. On the 12th of February, 1805, he was discharged on the reduction of the civil establishment at the island. On his return to New South Wales, he was employed in the commissariat department. On the 6th of November, 1809, Robert Fitz was suspended by lieutenant-governor Paterson, and Broughton, as senior deputy, succeeded as acting commissary. In the same month, he was appointed to the magistracy, and took the oaths of office on the 16th of November, 1809. After his arrival, Governor Macquarie confirmed Broughton in both of these appointments. On the arrival of David Allan, and the reorganisation of the commissariat, Broughton was appointed on the 25th of June, 1813, as deputy assistant commissary-general on the new establishment.

Alexander Riley arrived in Port Jackson in the *Experiment* on the 25th of June, 1804, with strong letters of recommendation from Lord Hobart. On the 11th of August, 1804, he was appointed storekeeper at Port Dalrymple. When the establishment at Norfolk Island was reduced in 1805, the office of deputy-commissary was created at Port Dalrymple, and Riley was promoted to this post. When lieutenant-governor Paterson returned to headquarters from Port Dalrymple, on the 1st of January, 1809, Riley accompanied him, and subsequently acted as his secretary. After the arrival of Governor Macquarie, Riley was appointed to the magistracy, but no longer held an appointment on the civil staff. He devoted his energies to speculation, was one of the contractors for building the general hospital, and was a member of the first syndicate that made proposals to Macquarie for trading with New Zealand.

Note 110, page 481.

Also pages 484 and 526.

Act of Parliament.—*My Letter of the 18th of April.*

The act of parliament was quoted *in extenso* in the eighth paragraph (see page 497) of J. H. Bent's letter dated 20th April, 1815. The letter, dated 18th of April, will be found on page 489 *et seq.*

Note 111, page 482.

The Reply of those Gentlemen.

This letter will be found on page 532 *et seq.*

Note 112, page 486.

Also page 554.

Mr. Garling has not yet Arrived.

Frederick Garling arrived on board the ship *Francis and Eliza* on the 8th of August, 1815. The ship had sailed from Cork on the 5th of December, 1814, and was captured on the 4th of January following by the American privateer *Warrior*. This vessel was commanded by Champlin, was manned by a crew of one hundred and sixty men, and was pierced for twenty-two guns, but the latter were not all mounted. After all guns and ammunition were removed, the *Francis and Eliza* was released by the American commander, and arrived at Santa Cruz on the 10th of January. Fortunately the convicts made no attempt to seize the vessel, and were subsequently recommended by Governor Macquarie for a remission of sentence on account of their good behaviour on this occasion.

Note 113, page 491.

Also page 530.

George Crossley.

George Crossley was transported to New South Wales under a sentence of seven years for forgery. He arrived in the transport *Hillsborough* on the 26th of July, 1799. It may be noted that on several occasions he was referred to as "*ex Friendship*," which arrived on the 6th of February, 1800; but this was incorrect. Governor King held a very poor opinion of him (see page 352, volume IV). Shortly after his arrival in the colony, he commenced a series of fraudulent dealings, the details of which were disclosed in the appeal of *Crossley v. Wentworth and Smyth* (see page 582 *et seq.*, volume IV).

Note 114, page 493.

Edward Eagar.

Edward Eagar had been transported from Ireland for perjury. In the issue of the *Sydney Gazette* dated 10th April, 1813, a professional card appeared, in which he solicited legal work, as he had been admitted to practice as an attorney in the court of civil jurisdiction. He occupied subsequently a leading position in the agitation for the restoration of all civil rights to emancipists.

Note 115, page 502.

A Cause.

The only case of any magnitude in which George Crossley was engaged at the beginning of the year 1812, was a suit against Simeon Lord, in which Crossley acted as attorney for Francis Shortt and Alexander Berry. The

damages claimed in this action were £11,000, incurred on a promissory note for £6,333 drawn by Simeon Lord in connection with the cargo of the ship *City of Edinburgh*. A decree was made in favour of the plaintiffs for £6,333 and interest at eight *per cent*. Against this verdict, the defendant Lord appealed.

Note 116, page 508.

The Chief Clerk and Cryer.

In the list of officials on the 1st of June, 1815, the clerk to the judge-advocate was stated to be James Foster.

Note 117, page 514.

The present Avocation of George Chartres.

George Chartres was the keeper of a public-house.

Note 118, page 521.

The General Minutes of Proceedings of the Court.

These minutes will be found on page 510 *et seq*.

Note 119, page 529.

Also page 533.

Your letter of the 22nd May.

This letter will be found on page 521 *et seq*.

Note 120, page 535.

Since any Court of Civil Jurisdiction had sat.

On the 28th of July, 1814, Mr. Justice Bent arrived on the ship *Broxbornebury*. He carried with him the new charter of justice, whereby the court of civil jurisdiction was abolished and the supreme court established. At this date, the civil court was sitting, and it assembled for the last time on the 2nd of August. The new charter was promulgated on the 12th of August.

Note 121, page 541.

The Governor's Court.

The governor's court was created by the second charter of justice (*see* volume in series IV). It consisted of the judge-advocate, appointed in England, and two fit and proper persons, who were inhabitants of the territory, appointed by the governor. The court was fully constituted if one of those appointed by the governor was absent.

The court was empowered to take cognizance of all pleas of land, and all personal pleas whatever, when the subject matter or thing in demand did not exceed £50, excepting pleas from persons resident in Van Diemen's Land. There was no appeal from the decision of the court.

Note 122, page 554.

The Date of My last Despatch.

The last general despatch was dated 24th March, 1815. The reference to bushrangers was contained in the ninth paragraph (*see* page 464 *et seq*).

Note 123, page 555.

The highly illegal and Unwarrantable Step of Declaring Martial Law.

By his commission, the captain-general and governor-in-chief of New South Wales was granted full powers to declare martial law (*see* page 186,

volume VII). The commission granted to Thomas Davey, as lieutenant-governor in Van Diemen's Land (*see* page 694, volume VII), defined no powers specifically, but made him subject to the orders and instructions of the governor-in-chief. Governor Macquarie had issued very full and detailed instructions to Davey, dated 30th January, 1813 (*see* page 730 *et seq.*, volume VII). These instructions strictly limited the powers of the lieutenant-governor, and did not grant him authority to declare martial law. Davey claimed that he was warranted in proclaiming martial law by the articles of war (*see* page 567 in this volume).

Note 124, page 556.

A very Embarrassing Situation.

An examination of the correspondence (*see* a volume in series II) between Governor Macquarie and the contractors for the erection of the general hospital with regard to breaches of contract does not indicate that any special stress was laid on the importation of spirits to Tasmania, more than on the permission granted by Macquarie himself to masters of vessels to pay for the cost of refitting in spirits. Macquarie, in making this complaint against Davey, should also have stated that the "Embarrassing Situation" was caused in part by his own action (*see* note 66).

Note 125, page 557.

Also page 568.

My Tour of Inspection.

The diaries kept by Governor Macquarie and captain Antill during this tour have been preserved; the first is now in the Mitchell library, Sydney, and the second is in the possession of Mr. Antill, Jarvisfield, Picton, N.S.W. Governor Macquarie was accompanied by Mrs. Macquarie, Sir John Jamison, J. T. Campbell, captain H. C. Antill, lieutenant John Watts, William Redfern, John Oxley, William Cox, James Meehan, and J. W. Lewin, the artist, and about forty soldiers and servants. The Nepean river was crossed at Sir John Jamison's Regentville farm on the 26th of April, 1815, and the journey began at the government stockyards on Emu plains. Lapstone hill was ascended, and the first dépôt, situated six miles from Emu ford, was passed. This dépôt had been formed for stores by William Cox, when constructing the road; and at it, a corporal and three privates were stationed. Camp for the first night was pitched at Springwood. On the second day, the cairn of stones near Linden was passed and the mountain in the neighbourhood was named "Caley's Repulse"; a visit was made to King's Tableland, and camp for the night was made at Wentworth Falls, where a second dépôt was located. The valley in this neighbourhood was named "Jamison's Valley" by Governor Macquarie. On the 28th of April, Pulpit hill was passed and named, and the day's journey terminated at Blackheath. On the following morning, Mount York was reached, the descent of Cox's pass accomplished, and in the afternoon Governor Macquarie stated that camp was pitched on the left bank of the western branch of Cox's river. Sunday, the 30th of April, was spent at Cox's river. The route followed from Emu plains to Cox's river was nearly the same as that of the modern western road, with the exception of the deviations that have been made to avoid the descent of Mount York. The track followed after leaving Cox's river, however, lies several miles south of the modern road from that locality to Bathurst. The modern road lies entirely to the north of the Fish river, and in consequence does not cross Campbell's river. On the 1st of May, Macquarie and his party journeyed to the Fish river; on the 2nd, to Sidmouth valley; on the 3rd, to a

bridge on Campbell's river, three miles above its junction with the Fish river; and on the 4th the journey terminated at Bathurst. Governor Macquarie spent seven days at Bathurst, devoting his time to a thorough examination of the neighbourhood. He caused the site of a town to be surveyed, and on Sunday, the 7th of May, he unfurled the union jack in the presence of seventy-five people, and gave the name of Bathurst to the intended town. The return journey was commenced on the 11th of May, and the successive daily camps were made at Campbell, Fish, and Cox's rivers, Blackheath, Wentworth Falls, and Springwood, Emu ford being reached on the 18th of May.

Note 126, page 558.

Also page 576.

An Intermediate Post.

This post was situated six miles from Emu ford after the ascent of Lapstone hill. This site is in the neighbourhood of the modern Blaxland railway station. Captain Antill, in his diary, stated that it lay one hundred yards off the road near a lagoon. Governor Macquarie, in his diary, stated that the guard of one corporal and three privates had cultivated a small garden, and had constructed pretty arbours made from native brush. William Cox had erected a storehouse 24 feet by 12 feet at this spot.

Note 127, page 560.

Another Tour of Discovery.

This was the third expedition of G. W. Evans (*see* note 138), during which the Lachlan river was discovered. In his first expedition (*see* note 38) he crossed the range dividing the eastern and western watersheds and discovered Bathurst plains. His second expedition was made in April, 1815, and resulted in a failure to trace the course of the Macquarie river.

Note 128, page 562.

I have Already had Occasion to write.

The previous report was contained in paragraph 6 *et seq.* (*see* page 440 *et seq.*) of the despatch dated 16th March, 1815.

Note 129, pages 566 and 567.

Dispatch.—Depositions.—Warrant.

These papers will be found in a volume in series III.

Note 130, page 569.

Two instances.

Governor Macquarie evidently referred to attempts to cross the mountains in the neighbourhood of the latitude of the city of Sydney, and therefore did not include the explorations of ensign Barrallier from his *depôt* at Nattai. He also omitted to notice the journey of lieutenant Dawes in December, 1789, which terminated at "Mount Twiss," probably in the neighbourhood of Linden (*see* note 192, volume V). In the year 1797, George Bass made a determined attempt to penetrate the mountains by way of the Grose valley. In 1805, George Caley met with more success, and penetrated as far as Mount King George, following in a general way the route now known as Bell's line of road (*see* note 193, volume V, and also volume I, series V).

Note 131, page 569.

The first passage over the most rugged and difficult part of the Blue Mountains.

It is a remarkable fact that Governor Macquarie did not make an official report to Earl Bathurst on the successful crossing of the main range of the Blue Mountains by Gregory Blaxland, William Lawson, and William Charles Wentworth. This omission is difficult of explanation. The termination of the journey was situated within the eastern watershed, and it may be that Macquarie was doubtful whether there were not still more difficult obstacles to be overcome before the western watershed was reached. On the other hand, Macquarie held a very poor opinion of Blaxland, who was the originator of the expedition, and it may be that he resented the successful accomplishment of a feat, which had baffled the colonists for twenty-five years, by an unofficial party led by a man he despised (*see* note 15). The tardy recognition of the exploit was keenly resented by Blaxland in a letter dated 15th June, 1815, to Governor Macquarie. In this letter he pointed out that the efforts of the Reverend Samuel Marsden and William Cox had failed, and that he was deprived of the honour of the discovery of the pass at Mount York, when Macquarie called it Cox's pass. The full story of the expedition will be found in volume I, series V.

The exploring party consisted of the three principals, attended by four servants, with four horses, loaded with provisions and other necessaries, and five dogs. They left Blaxland's farm on the South creek on Tuesday, 11th May, 1813, and forded the Nepean river a little below the present railway bridge. After travelling about two miles they pitched their first camp at the foot of the mountains. On the following day the first hills were ascended, and they encamped for the night a little distance from the present Blaxland railway station. On the 13th of May, they passed through some open forest land, and pitched their third camp near Springwood, when the forest land was found to terminate and further progress was blocked by dense undergrowth. It was then decided to cut a path through these bushes, and for two days the three leaders and two men were thus occupied, leaving two men in charge of the camp. On Sunday, the 16th, they rested at the Springwood camp; but this unfortunately gave the men time to think of the dangers, and they were with difficulty persuaded to proceed on the next day. No grass for the horses had been discovered along the route marked, and accordingly each horse was loaded with about two hundredweight of grass on Monday, when they proceeded about six and a half miles, encamping near Numantia. On the 18th of May a track was marked for only two miles further, and the next day was spent in shifting camp to the end of this track, about half a mile from the present Woodford station. On this day, the heap of stones, subsequently known as Caley's Repulse, was passed. The explorers then commenced the practice of marking a track each afternoon, and on the following morning moving camp to the end of such track. This method made progress slow; but on Saturday, the 22nd, they reached and camped on King's Tableland, where their progress towards the west and south was blocked by an impassable line of cliffs. On the following day, they travelled in a northerly direction, and encamped on the swamp above Wentworth falls. On the 23rd, their track crossed the present railway line east of Wentworth Falls station, and proceeded in a north-west direction about one mile and a quarter, when it turned south-west, and the explorers camped on the swamp above Leura falls. This circuitous track was subsequently followed by the old mountain road. On the 25th, they encamped near Pulpit hill, on the 26th, a little north of Medlow; on the 27th, a little distance from Mount Victoria railway station, and on the 28th, the explorer pitched their camp at five o'clock on the edge of Mount York. As there was no water

at the camping place, the horses were taken down the mountain in the evening, where water and abundant grass were discovered, the first fresh grass the horses had eaten since leaving the neighbourhood of Springwood on the 17th of May. On the next day, Saturday, the 29th, the horses were brought up the mountain, loaded, and taken down the line of Cox's pass, which had been discovered the previous evening. After travelling two miles, they encamped on the banks of the river Lett. On Sunday, the whole party rested, and on Monday, they travelled six miles to the foot of Mount Blaxland, and encamped on Cox's river. From this camp, the explorers were compelled to return; the whole party were ill with gastro-intestinal disorders, their provisions were nearly exhausted, their shoes were worn out through constant travelling over the stony ranges, and their clothes in rags through penetrating the brush. On the 1st of June, the return journey was commenced, and on the 4th their old camp at Springwood was reached. On the following day, they experienced considerable difficulty in finding their way to the Nepean river, which they reached opposite Sir John Jamison's farm about two miles above the present railway bridge, where they encamped for the night. On Sunday, the 6th of June, they crossed the river at the ford below the bridge, and returned to Blaxland's farm after an absence of twenty-six days.

Note 132, page 569.

The result of whose journey was laid before the public.

This was published in the form of a government and general order as follows:—

“Government House, Sydney, 12th February, 1814.

“It having been long deemed an Object of great Importance by *His Excellency the Governor* to ascertain what Resources this Colony might possess in the Interior beyond its present known and circumscribed Limits, with a View to meet the necessary Demands of its rapidly encreasing Population; and the great Importance of the Discovery of new Tracts of good Soil being much enhanced by the Consideration of the long continued Droughts of the present Season, so injurious in their Effects to every Class of the Community in the Colony, HIS EXCELLENCY was pleased some Time since to equip a Party of Men, under the Direction of MR. GEORGE WILLIAM EVANS, one of the Assistant Land Surveyors (in whose Zeal and Abilities for such an Undertaking he had well founded Reason to confide), and to furnish him with written Instructions for his Guidance in endeavouring to discover a Passage over the Blue Mountains, and ascertaining the Quality and general Properties of the Soil he should meet with to the Westward of them.

“This Object having been happily effected and Mr. Evans returned with his entire Party all in good Health, the GOVERNOR is pleased to direct, that the following Summary of his Tour of Discovery, extracted from his own Journal, shall be published for general Information.

“Mr. Evans, attended by five Men, selected for their general Knowledge of the Country, and habituated to such Difficulties as might be expected to occur, was supplied with Horses, Arms and Ammunition, and a plentiful Store of Provisions for a two Months Tour. His instructions were, that he should commence the Ascent of the Blue Mountains from the Extremity of the present known Country at Emu Island, distant about thirty-six Miles from Sydney, and thence proceed in as nearly a west direction as the nature of the Country he had to explore would admit, and to continue his Journey as far as his Means would enable him.

“On Saturday, the 20th of November last, the Party proceeded from Emu Island, and on the 5th Day, having then effected their Passage over the Mountains, arrived at the Commencement of a valley on the western Side

of them, having passed over several Tracts of tolerably good Soil, but also over much rugged and very difficult Mountain; proceeding through this Valley, which Mr. Evans describes as beautiful and fertile, with a rapid Stream running through it, he arrived at the Termination of the Tour lately made by Messrs. G. Blaxland, W. C. Wentworth, and Lieutenant Lawson. Continuing in the western Direction prescribed in his Instructions for the Course of 21 Days from this Station, Mr. Evans then found it necessary to return, and on the 8th of January he arrived back at Emu Island, after an Excursion of seven complete Weeks. During the Course of this Tour, Mr. Evans passed over several Plains of Great Extent, interspersed with Hills and Vallies abounding in the richest Soil, and with various Streams of Water and Chains of Ponds. The Country he traversed measured 98½ Miles beyond the Termination of Messrs. Blaxland, Wentworth, and Lawson's Tour, and not less than 150 from Emu Island. The greater Part of these Plains are described as being nearly free of Timber and Brushwood, and in Capacity equal (in Mr. Evans's Opinion) to every Demand which this Colony may have for an Extension of Tillage and Pasture Lands for a Century to come. The stream already mentioned continues its Course in a westerly Direction and for several Miles, passing through the Vallies with many and great Accessions of other Streams, becomes a capacious and beautiful River, abounding in Fish of very large Size and fine Flavour, many of which weighed not less than 15 lbs. This River is supposed to empty itself into the Ocean on the western Side of New South Wales, at a Distance of from 2 to 300 Miles from the Termination of the Tour. From the Summits of some very high Hills Mr. Evans saw a vast Extent of flat Country laying in a westerly Direction, which appears to be bounded at a Distance of about 40 Miles by other Hills. The general Description of these heretofore unexpected Regions, given by Mr. Evans, is that they very far surpass in Beauty and Fertility of Soil any he has seen in New South Wales or Van Diemen's Land.

"In Consideration of the Importance of these Discoveries, and calculating upon the Effect they may have on the future Prosperity of this Colony, HIS EXCELLENCY the GOVERNOR is pleased to announce his intention of presenting Mr. Evans with a Grant of 1,000 Acres of Land in Van Diemen's Land, where he is to be stationed as Deputy Surveyor: and further to make him a pecuniary Reward from the Colonial Funds, in Acknowledgment of his diligent and active Services on this Occasion.

"HIS EXCELLENCY also means to make a pecuniary Reward to the two Free Men who accompanied Mr. Evans, and a Grant of Land to each of them. To the three Convicts who also assisted in this Excursion, the GOVERNOR means to grant Conditional Pardons, and a small Portion of Land to each of them, these Men having performed the Services required of them entirely to the Satisfaction of Mr. Evans.

"The GOVERNOR is happy to embrace this Opportunity of Conveying His Acknowledgments to Gregory Blaxland and William Charles Wentworth Esquires, and Lieutenant William Lawson of the Royal Veteran Company, for their enterprising and arduous Exertions on the Tour of Discovery when they effected a Passage over the Blue Mountains, and proceeded to the Extremity of the first Valley particularly Alluded to in Mr. Evans's Tour, and being the first Europeans who had accomplished the Passage over the Blue Mountains. The GOVERNOR desirous to confer on these Gentlemen substantial Marks of his Sense of their Meritorious Exertions on this Occasion, means to present each of them with a Grant of 1,000 Acres of Land in this newly discovered Country.

"By Command of His Excellency The Governor,

"J. T. CAMPBELL, *Secretary.*"

Note 133, page 576.

Reverend Samuel Marsden to Governor Macquarie.

In March, 1814, the brig *Active* sailed from Port Jackson on a voyage to New Zealand *viâ* the *Derwent*. Thomas Kendall and William Hall had embarked with the object of making inquiries for the proposed establishment of a mission station at the Bay of Islands. Kendall had been sent out from England with this object in view. The *Active* returned to Sydney on the 21st of August, bringing several Maori chiefs, who all strongly advocated the settlement. The Reverend Samuel Marsden thereupon applied to Governor Macquarie for leave of absence, in order that he might visit New Zealand and establish the station. Macquarie not only granted the leave, but also gave the proposed expedition an official standing. He ordered Marsden to examine the coasts and the interior of the islands, to make observations on the natural products, and, on his return, to make an official report. He appointed Thomas Kendall a justice of the peace for the Bay of Islands, and the oaths were administered to Kendall on the 16th of November, 1814. Marsden sailed in the *Active* on the 28th of November, together with the small party intended to form the mission under Kendall's leadership. On the 24th of February following, he purchased from the Maoris for twelve axes about two hundred acres of land at Rangihoua. On this land, the settlement was established. The *Active* returned to Sydney on the 23rd of March, 1815.

Note 134, page 583.

Another attempt.—A Memorial.

The attempt had been made with the brig *Experiment* and the schooner *Governor Bligh*. It failed entirely through the mismanagement of William Leith. The memorial was in the form of a letter dated 12th March, 1810 (*see* page 298, volume VII).

Note 135, page 584.

Having obtained Your Excellency's Permission to advertize.

The advertisement appeared in the issue of the *Sydney Gazette* dated 18th June, 1814, and was as follows:—

"The Undersigned, having it in Contemplation, by and with the Permission of His Excellency the Governor, to form an Establishment on New Zealand for procuring Flax, Timber, and other Commodities of that Country, request a Meeting of such Merchants, Traders and Inhabitants of New South Wales, who may be inclined to take Shares in a Public Joint Stock Company to be established in Sydney for the above Purpose.

"The Meeting will take Place at the Residence of Mr. Blaxcell, George Street, Sydney, on Friday, the 24th Instant at Twelve at Noon.

"G. BLAXCELL.

W. H. BROUGHTON.

"WILLIAM CAMPBELL.

JOHN DICKSON.

"RICHARD BROOKS.

S. LORD."

The meeting was held on the day appointed. A company of four hundred shares at £50 each was formed, and of these one hundred and eighty-two were taken up in the room at the meeting.

Note 136, page 605.

The Nautical Surveys of the late Captn. Flinders and the History of his Voyage . . . have been published.

This was "A Voyage to Terra Australis; undertaken for the purpose of completing the Discovery of that vast Country, and prosecuted in the years.

1801, 1802 and 1803, in His Majesty's ship the Investigator, and subsequently in the armed vessel Porpoise, and Cumberland, schooner. With an account of the Shipwreck of the Porpoise, arrival of the Cumberland at Mauritius, and imprisonment of the Commander during Six years and a half in that island." 2 vols. 4to. London, 1814. Also atlas of charts and botanical plates, large folio, London, 1814.

Note 137, page 606.

The press, which I have had the honor to direct for the term of fourteen years.

A note on the establishment of the government press and on George Howe will be found numbered 39 in volume IV.

Note 138, pages 608 and 611.

A journey.

The Journal of Assistant-Surveyor Evans.

G. W. Evans and his party of four men left Bathurst on the 13th of May, 1815, and encamped in the evening in the neighbourhood of Perth. One day was lost in searching for the horses which had strayed, and on the 16th he reached the centre of the three peaks now known as the Three Brothers. Evans named these hills, Antill's Peak, Mount Macquarie, and Maclaine's Peak. On the 22nd, he discovered and named Mount Lachlan, about three miles south-east of Carcoar. He camped four miles south of this peak; and on the following day, he travelled west for four miles, when in the distance he sighted the Canobolas, and named the peak Jamison's Table Mountain. On the 24th, he discovered Limestone creek at a point a little north of west from Lyndhurst. He followed the creek down to its junction with the Belabula river, which he named Lewis' creek. On the 25th, he ascended the Sugarloaf, which he named Mount Lewin. On the 26th, he passed Licking Hole creek, and on the following day he discovered the Lachlan river between North Logan and Cowra. On Sunday, the 28th, he allowed three of his men to rest in camp, and with the fourth man he ascended the river for six miles to the neighbourhood of Cowra, and named the river flats Oxley's Plains. During the next four days, he traced the river down to its junction with Mandagery creek, which he named Byrne's creek. From this point, he was compelled to commence his return journey on the 2nd of June, 1815, and he arrived at Bathurst ten days later.

Note 140, page 610.

Curious Devices on the Skin Side.

This is the earliest notice of the system of totems which was highly developed amongst the aborigines of western New South Wales. They were used as indicative of tribe and ownership.

Note 141, page 610.

I have Sanguine Hope that he will meet with some great River.

The early speculations with regard to the interior of Australia were remarkable. They were divided into two schools, one depending on the idea of a vast river, and the second on the existence of an inland sea. *The Friend of Australia*, published anonymously in London in 1830, but written by Allen Francis Gardiner, a retired captain of the H.E.I. Company's service, may be taken as an example. This book elaborated the idea of the large river. It contained a map drawn in 1827, on which a river was shewn flowing into King Sound on the north-west coast of Australia. The watershed of this river included the whole of Australia north of 30° S. latitude

with the exception of small coastal areas. The head waters of this river extended from the Gulf of Carpentaria to the south of Queensland. In two cases the headwaters were south of 30° S. latitude, the Macquarie and Castle-reagh rivers being regarded as tributaries.

Note 142, page 618.

Fish River hill.

This was the hill from the Fish river to the top of the range dividing the eastern and western watersheds. It was situated on the first road formed to Bathurst.

Note 143, page 622.

A Glorious and most important Victory.

This was the announcement of the battle of Waterloo. The news of the victory was received in Sydney on the 18th of January, 1816. On the 2nd of February following, a meeting was held in one of the wards of the general hospital in Macquarie-street to arrange the preliminaries for raising a fund to provide for the widows and children of the soldiers killed in the battle.

Note 144, page 622.

The Case of Theodore Walker.

The papers in connection with this case will be found on page 96 *et seq.*

Note 145, page 628.

The Contractor to have his Services for Seven Years.

The transportation of convicts was carried out by contract. The servitude of the convicts was assigned to the contractor, who agreed to transport them to the colony. At the same time, the contractor covenanted for a nominal sum to re-assign the services of the convicts to the governor for the time being, after their arrival in the colony. In consequence, the notification of any remission or commutation of a sentence was made to the contractor and recorded in the indents, which he in turn delivered to the governor.

Note 146, page 637.

Your dispatch No. 12.

This despatch was dated 7th October, 1814 (*see* page 336 *et seq.*).

Note 147, page 637.

The 17th Article of your Instructions.

This article will be found on pages 195 and 196, volume VII.

Note 148, page 638.

Also pages 642 and 645.

Your Dispatch No. 6.—Your Dispatch No. 3.

These despatches were dated 30th and 28th April, 1814 (*see* page 235 *et seq.* and page 140 *et seq.*).

Note 149, page 638.

The Nature of the large Reserves.

These reserves were made by Governor King on the 1st of March, 1802 (*see* pages 446 and 447 and note 174, volume III; *see* also volume of charts and plans).

Note 150, page 640.

The Measures of taming a Portion of the Wild Cattle.

Governor Macquarie made these proposals in the 21st paragraph (*see* pages 150 and 151) of his despatch dated 28th April, 1814.

Note 151, page 641.

The Price paid.

The price paid by Governor Macquarie for the erection of the hospital was as follows:—

80 oxen for slaughter—450 lb. each at 1s. 6d. <i>per lb.</i> . .	£2,700	0	0
20 convicts for three years worth £20 <i>per annum</i> each	1,200	0	0
20 draught oxen on loan, worth £5 <i>per annum</i> each . .	300	0	0
	<hr/>		
	£4,200	0	0

In addition to this, the contractors were granted a monopoly of the importation of spirits from the 6th of November, 1810, to the 31st of December, 1814, permission to import sixty thousand gallons of spirits, and an extended period in which to pay the import duty.

On the 3rd of March, 1816, the contractors notified the governor that they were prepared to give delivery of the building. Macquarie thereupon appointed a committee of survey, which condemned certain portions of the work. The contractors were compelled to make alterations, and the work was not finally completed until July, 1817.

According to the evidence of J. Laurie, who had acted as agent for the contractors, the building cost £40,000 currency, and the contractors made a profit of £10,000 each. Laurie's evidence was given before the commission of inquiry held by J. T. Bigge.

Note 152, page 641.

The Arguments in favor of a Distillery.

Governor Macquarie advocated the establishment of a distillery in the 22nd paragraph (*see* page 151) of his despatch dated 28th April, 1814, and in the 24th paragraph (*see* pages 308 and 309) of his despatch dated 7th October, 1814.

Note 153, page 643.

Your Dispatch.

The reference was to the 26th paragraph (*see* page 153) of the despatch dated 28th April, 1814.

Note 154, page 644.

Your Suggestion.—Restrictions.—Your Refusal.

The references were to the 29th, 32nd and 44th paragraphs (*see* pages 155, 156, and 160) of the despatch dated 28th April, 1814. The general order with regard to the restrictions will be found on page 260 *et seq.*

Note 155, page 645.

The Schedule of fees.

This schedule will be found on page 208.

Note 156, page 645.

Your dispatch No. 15.—Your Dispatch No. 13.

These despatches were dated 8th and 7th October, 1814 (*see* page 367 *et seq.* and 338 *et seq.*).

Note 157, page 646.

Secretary Lushington to Under Secretary Goulburn.

In the record office, London, the copy of a despatch covering this enclosure is preserved. It is probable that at first it was intended to forward a separate letter which was drafted. The despatch is as follows:—

“EARL BATHURST TO GOVERNOR MACQUARIE.

“Sir,

Downing Street, 26 Novr., 1815.

“I transmit to you herewith the Copy of a letter, which has been addressed to My Under Secretary by Command of the Lords Comrs of the Treasury, respecting a Claim of Compensation, made by Mr. Mansel, for the Loss of a Vessel belonging to him, which had been carried off by some Runaway Convicts; And I am to acquaint you that I entirely concur in Opinion with their Lordships that Mr. Mansel has no Claim upon Government for any Relief whatever.

“I have, &c.,

“BATHURST.”

Note 158, pages 646 and 647.

A Memorial.—Parts of your Dispatch.—The order.

These documents will be found on pages 184 *et seq.*, 297 *et seq.*, and 319 *et seq.*

Note 159, page 648.

The Act of Parliament.

Under the provisions of the India bill (1784) passed by William Pitt, a board of control was created as a department of the English government to exercise political, military, and financial control over the British possessions in India. The direction of Indian policy was thereby transferred from the East India company to the ministry in London and the governor-general, whose appointment, although made by the board of directors of the company, was subject to the approval of the English government. In 1813, the Earl of Liverpool passed a bill, which gave this board of control authority over the company's commercial transactions, and restricted its trading monopoly to the valuable trade with China, chiefly in tea. By this bill, the trade of New South Wales was removed from the company's jurisdiction, which had previously extended to all southern waters and lands between Africa and South America.

SYNOPSIS OF DESPATCHES.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by	Date of acknow- ledgment.
Goulburn, Under Secretary	Macquarie, Governor	1813. 3 July	Circular	Transport Wanstead	1	Macquarie, Governor	1814. 28 April.
Macquarie, Governor	Bathurst, Earl	31 July	No. 6	Whaler Phoenix	1	Macquarie, Governor	28 April.
Goulburn, Under Secretary	Macquarie, Governor	31 July		Transport Windham	27	Macquarie, Governor	28 April.
Do	do	3 August		Transport General	28	do	28 April.
Do	do	3 August		Hewitt.		do	28 April.
Do	do	3 August		Transport Windham	28	do	28 April.
Do	do	3 August		Transport General	29	do	28 April.
Do	do	3 August		Hewitt.		do	28 April.
Macquarie, Governor	Croker, Secretary	3 August		Whaler Phoenix	29	do	28 April.
Bathurst, Earl	Macquarie, Governor	3 August		do	30	Macquarie, Governor	19 Jan.
Goulburn, Under Secretary	Macquarie, Governor	5 August	No. 22	Transport Wanstead	55	do	28 April.
Do	do	6 August		do	55	do	28 April.
Do	do	7 August		do	57	do	28 April.
Macquarie, Governor	Bathurst, Earl	7 August	No. 7	Whaler Phoenix	57	Macquarie, Governor	28 April.
Goulburn, Under Secretary	Macquarie, Governor	8 August		Transport Windham	59	do	28 April.
Bathurst, Earl	do	9 August	Circular	do	60	do	28 April.
Macquarie, Governor	Bathurst, Earl	14 August	No. 8	Whaler Phoenix	61	Macquarie, Governor	28 April.
Goulburn, Under Secretary	Macquarie, Governor	16 August	Circular	Transport Windham	70	do	28 April.
Macquarie, Governor	Bathurst, Earl	16 August	No. 9	Whaler Phoenix	70	Macquarie, Governor	28 April.
Bathurst, Earl	Macquarie, Governor	19 August	No. 23	Transport Windham	71	do	28 April.
Do	do	19 August	Secret	do	72	Macquarie, Governor	30 April.
Macquarie, Governor	Bathurst, Earl	20 August	No. 10	Whaler Phoenix	77	do	28 April.
Do	Goulburn, Under Secretary	20 August		do	78	do	28 April.
Do	Bathurst, Earl	27 August	No. 11	Whaler Atalanta	80	do	28 April.
Do	do	31 August	Private	do	83	do	28 April.
Do	do	31 August	No. 12	do	84	do	28 April.
Goulburn, Under Secretary	Macquarie, Governor	24 Sept.	Circular	Ship Three Bees	91	Macquarie, Governor	12 May.
Do	do	28 Sept.		do	91	do	12 May.
Do	do	5 Nov.	Circular	do	92	Macquarie, Governor	12 May.
Do	do	13 Nov.		do	92	do	12 May.
Do	do	30 Nov.		Ship Broxbornebury	94	Macquarie, Governor	7 Oct.
Do	do	20 Dec.		do	95	do	1815. 12 July.
Macquarie, Governor	Bathurst, Earl	1814. 17 Jan.	No. 1	Ship Earl Spencer	96	Bathurst, Earl	1815. 4 Dec.
Do	do	19 Jan.	No. 2	do	118	do	1814. 7 Oct.
Bathurst, Earl	Macquarie, Governor	3 Feb.	No. 24	Ship Broxbornebury	124	Macquarie, Governor	7 Oct.
Do	do	3 Feb.	No. 25	do	135	do	7 Oct.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknow- ledgment.
Bathurst, Earl	Macquarie, Governor	1814. 3 Feb.	No. 26	Ship Broxbornebury ..	136	Macquarie, Governor ..	1814. 7 Oct.
Do	do	5 Feb.	No. 27	do	137	do	7 Oct.
Do	do	6 Feb.	No. 28	Ship Wanstead	137	do	7 Oct.
Macquarie, Governor	Goulburn, Under Secretary ..	7 Feb.	No. 29	Ship Broxbornebury ..	138	Macquarie, Governor ..	7 Oct.
Bathurst, Earl	Macquarie, Governor	13 Feb.	No. 29	Ship Broxbornebury ..	139	Macquarie, Governor ..	1815. 7 Oct.
Do	do	27 April ..	Circular	Ship Indefatigable	139	do	24 June.
Macquarie, Governor	Bathurst, Earl	28 April ..	No. 3	Brig James Hay	140	Bathurst, Earl	25 Nov.
Do	do	30 April ..	No. 4	do	209	do	4 Dec.
Do	do	30 April ..	No. 5	do	210	do	4 Dec.
Do	do	30 April ..	No. 6	do	235	do	4 Dec.
Do	do	30 April ..	do	do	240	do	4 Dec.
Do	do	30 April ..	do	do	241	do	4 Dec.
Do	Goulburn, Under Secretary ..	30 April ..	do	do	242	do	4 Dec.
Do	Commissioners of Trans- port.	— April ..	do	do	244	do .....	.....
Bathurst, Earl	Macquarie, Governor	2 May	Circular	Ship Indefatigable	249	Macquarie, Governor ..	24 June.
Goulburn, Under Secretary ..	do	7 May	do	Ship Somersetshire ..	249	do	4 Dec.
Macquarie, Governor	Bathurst, Earl	7 May	No. 7	Brig James Hay	249	Bathurst, Earl	4 Dec.
Do	Goulburn, Under Secretary ..	12 May	do	do	251	do	24 June
Bathurst, Earl	Macquarie, Governor	17 May	Circular	Ship Indefatigable	252	Macquarie, Governor ..	24 June
Macquarie, Governor	Goulburn, Under Secretary ..	17 May	do	Brig James Hay	252	do	4 Dec.
Do	Bathurst, Earl	24 May	No. 8	do	253	Bathurst, Earl	4 Dec.
Do	do	28 May	No. 9	do	261	do	4 Dec.
Do	do	28 May	No. 10	do	265	do	4 Dec.
Bathurst, Earl	Macquarie, Governor	1 June	No. 30	Brig Emu	266	Macquarie, Governor ..	24 Mar.
Do	do	2 June	Circular	do	268	do	24 June.
Do	do	8 June	Circular	do	268	do	24 June.
Do	do	5 July	No. 31	Ship Marquess of Wel- lington.	268	do	24 Mar.
Do	do	6 July	No. 32	do	269	do	24 Mar.
Bunbury, Major General ..	do	8 August ..	Ship Indefatigable ..	Ship Indefatigable ..	269	do	24 June.
Do	do	21 August ..	do	do	270	do	24 June.
Do	do	21 August ..	do	do	270	do	24 June.
Bathurst, Earl	do	6 Sept.	Circular	do	270	do	24 June.
Bunbury, Major General ..	do	12 Sept.	do	Ship Northampton ..	272	do	24 June.
Bathurst, Earl	do	20 Sept.	No. 33	do	273	do	24 June.
Macquarie, Governor	Commissioners of Trans- port.	1 Oct.	do	Ship Seringapatam ..	274	do .....	.....
Do	Bathurst, Earl	7 Oct.	No. 11	do	293	Bathurst, Earl	4 Dec.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknow- ledgment.
Macquarie, Governor	Bathurst, Earl	1814. 7 Oct.	No. 12	Ship Seringatam	336	Bathurst, Earl	1815. 2 Dec.
Do	do	7 Oct.	No. 13	do	338	do	4 Dec.
Do	Commissioners of Admir- alty.	7 Oct.		do	350	Barrow, Secretary	24 Feb.
Do	Bathurst, Earl	8 Oct.	No. 14	do	356	Bathurst, Earl	17 Aug.
Do	do	8 Oct.	No. 15	do	367	do	4 Dec.
Do	Goulburn, Under Secretary	8 Oct.		do	374		
Do	Bathurst, Earl	12 Oct.	No. 16	do	375	Bathurst, Earl	4 Dec.
Do	Torrens, Major General	12 Oct.		do	375		
Bathurst, Earl	Macquarie, Governor	20 Oct.	No. 34	Ship Francis and Eliza	378		
Gordon, Adam	do	9 Nov.		Ship Indefatigable	379	Macquarie, Governor	24 June.
Bathurst, Earl	do	17 Nov.	Circular	do	379	do	21 June.
Macquarie, Governor	Bathurst, Earl	30 Nov.	No. 17	Ship General Browne	380	Bathurst, Earl	4 Dec.
Bathurst, Earl	Macquarie, Governor	7 Dec.	No. 35	Ship Hebe	383		
Bunbury, Major General	do	7 Dec.		Ship Northampton	384	Macquarie, Governor	24 June.
Do	do	8 Dec.		do	384	do	24 June.
Do	do	9 Dec.		do	385		
Macquarie, Governor	Bathurst, Earl	12 Dec.	No. 18	Ship General Browne	385		
Bathurst, Earl	Macquarie, Governor	15 Dec.	No. 36	Ship Baring	387		
Transport Commissioners	do	15 Dec.		do	387		
Bathurst, Earl	do	1815. 30 Jan.	No. 37	do	387	Macquarie, Governor	18 Mar.
Do	do	31 Jan.	No. 38	do	388	do	18 Mar.
Do	do	31 Jan.	No. 39	do	388	do	18 Mar.
Barrow, Secretary	do	24 Feb.		do	389	do	
Macquarie, Governor	Bathurst, Earl	24 Feb.	No. 1	Ship Marquess of Wel- lington.	389	Bathurst, Earl	18 April.
Do	do	1 Mar.	No. 2	do	425	do	18 April.
Bathurst, Earl	Macquarie, Governor	2 Mar.	No. 40	Ship Baring	436	Macquarie, Governor	18 Mar.
Goulburn, Under Secretary	do	2 Mar.		do	437	do	18 Mar.
Macquarie, Governor	Bathurst, Earl	16 Mar.	No. 3	Ship Marquess of Wel- lington.	437	Bathurst, Earl	18 April.
Bathurst, Earl	Macquarie, Governor	21 Mar.	Separate	Ship Baring	458	Macquarie, Governor	18 Mar.
Macquarie, Governor	Bathurst, Earl	22 Mar.	Private and con- fidential.	Ship Marquess of Wel- lington.	458	Bathurst, Earl	18 April.
Bathurst, Earl	Macquarie, Governor	24 Mar.	No. 41	Ship Baring	461	Macquarie, Governor	18 Mar.
Macquarie, Governor	Bathurst, Earl	24 Mar.	No. 4	Ship Marquess of Wel- lington.	461	Bathurst, Earl	18 April.
Bunbury, Major General	Macquarie, Governor	25 Mar.		Ship Baring	476	Macquarie, Governor	18 Mar.
Goulburn, Under Secretary	do	18 April		Ship Fanny	477	do	18 Mar.
Bathurst, Earl	do	30 April	No. 42	do	478	do	18 Mar.
Goulburn, Under Secretary	do	8 May		do	478	do	18 Mar.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Goulburn, Under Secretary	Macquarie, Governor	1815.	.....	Ship Fanny	479	Macquarie, Governor	1816.
Macquarie, Governor	Bathurst, Earl	22 May	No. 5	Ship Sydney Packet	479	Bathurst, Earl	22 March.
Do	do	23 June	No. 6	do	542	do	18 April.
Bathurst, Earl	Macquarie, Governor	24 June	No. 43	Ship Fanny	553	Macquarie, Governor	18 Mar.
Macquarie, Governor	Bathurst, Earl	24 June	No. 7	Ship Sydney Packet	553	Bathurst, Earl	18 April.
Bathurst, Earl	Macquarie, Governor	26 June	No. 44	Ship Fanny	602	Macquarie, Governor	18 Mar.
Do	do	26 June	No. 45	do	603	do	18 Mar.
Goulburn, Under Secretary	do	27 June	Private	Ship Mary Anne	604	.....	.....
Do	do	28 June	.....	do	604	.....	22 Mar.
Macquarie, Governor	Bathurst, Earl	30 June	No. 8	Ship Sydney Packet	604	Bathurst, Earl	18 April.
Do	do	30 June	No. 9	do	608	do	18 April.
Do	do	30 June	No. 10	do	619	.....	.....
Do	do	30 June	.....	do	619	.....	.....
Do	do	1 July	Private	do	620	.....	.....
Goulburn, Under Secretary	Macquarie, Governor	7 July	.....	Ship Fanny	622	Macquarie, Governor	18 Mar.
Bathurst, Earl	do	12 July	No. 46	do	622	do	18 Mar.
do	do	12 July	.....	Ship Mary Anne	624	do	18 Mar.
Goulburn, Under Secretary	do	26 July	.....	Ship Baring	624	.....	.....
Bathurst, Earl	do	27 July	No. 47	Ship Mary Anne	624	Macquarie, Governor	18 Mar.
Do	do	28 July	No. 48	do	627	do	13 Mar.
Do	do	9 August	No. 49	Ship Ocean	630	do	18 Mar.
Goulburn, Under Secretary	do	13 August	.....	.....	630	do	22 Mar.
Bathurst, Earl	do	17 August	No. 50	do	631	do	18 Mar.
Bunbury, Sir H. E.	do	22 August	.....	do	632	do	18 Mar.
Do	do	31 August	.....	do	632	do	18 Mar.
Bathurst, Earl	do	24 Sept.	No. 51	Ship Atlas	633	do	1817.
Goulburn, Under Secretary	do	6 Nov.	.....	do	633	do	4 April.
Bathurst, Earl	do	10 Nov.	No. 52	do	633	do	4 April.
Goulburn, Under Secretary	do	11 Nov.	.....	do	634	do	4 April.
Do	do	12 Nov.	.....	do	634	do	4 April.
Bathurst, Earl	do	24 Nov.	No. 53	do	634	do	4 April.
Do	do	25 Nov.	No. 54	do	636	do	4 April.
Do	do	29 Nov.	No. 55	do	636	do	4 April.
Do	do	2 Dec.	No. 56	do	637	do	4 April.
Do	do	3 Dec.	No. 57	do	637	do	4 April.
Do	do	4 Dec.	No. 58	do	638	do	4 April.
Do	do	10 Dec.	No. 59	do	646	do	4 April.
Goulburn, Under Secretary	do	11 Dec.	.....	do	648	do	4 April.
Bathurst, Earl	do	21 Dec.	No. 60	do	648	do	4 April.
Do	do	.....	No. 61	do	649	do	4 April.

INDEX.

INDEX.

Abbott, Edward (dep. judge-advocate)

adverse criticism by Macquarie, L., of appointment of, 307.
allowance of house rent to, 463.
appointment of, to Tasmania, 126, 266.
arrival of, at Hobart, 462.
commission for, 267.
land to be granted to, 266, 462.
passenger on the brig *Emu*, 266, 462.
salary of, 126, 266.

Abercromby, Sir Robert

service of Macquarie, L., on staff of, 397.

Aborigines

account of, in vicinity of Bathurst, 609, 610.
characters and habits of, report by Macquarie, L., on, 367 *et seq.*
institution for—
approval of, by Bathurst, Earl, 645.
establishment of, 369, 371.
estimated expenses of, 373.
opening of, 467.
progress of, 467.
proposed plan for, 372.
intercourse with, 313.
murders committed by, from motives of revenge, 250.
observations on, by Evans, G. W., at Bathurst plains, 174.
problem of civilization of, 369, 370.
reserve proposed for, 369.
settlement of, on a farm, 467.
totems used by, at Bathurst, 610.

Active, brig

departure of Marsden, Rev. S., for New Zealand in, 561.
entry of, 195, 595.
sailing of, 199.

Addington, J. H.

letter from—
to Harrison, G., 603.

Admiralty, Commissioners of

See also "Barrow, John," "Croker, J. W."
letter to—
from Macquarie, Lachlan, 350.

Agriculture

comparison of colonial wheat with imported wheat, 144.
effects of drougthy conditions on, 121, 314.
experimental, at Bathurst, 558.
harvest, partial failure of, 464, 556.
returns of, 189, 601.

Alcock, William Henry

salary of—
as inspector of streets, 190.
as superintendent of factory at Parramatta, 191.

Alexander and Co.

owners of the *Campbell Macquarie*, 588, 589, 591.

Alford, Thomas

free passage requested for wife and family of, 253.
services of, 252, 253.

Allan, David (deputy commissary-general)

advice tendered to, by Macquarie, L., 544.
allowances to be made for deviations from general instructions by, 552.
deputy commissary-general, 190.
excessive issue of promissory notes by, 543.
government servants allowed to, 323.
instructions to, *re* allowances to civil officers, 321, 322.
issue of promissory notes by, 542 *et seq.*
letter from—
to Macquarie, Lachlan, 546.
letter to—
from Campbell, J. T., 321.
from Macquarie, Lachlan, 550.
methods of, in keeping the public accounts, 546 *et seq.*
objections—
of Macquarie, L., to proposals of, 551.
of, to issue of store receipts, 546 *et seq.*
popular opinion *re* notes of, 543.
private speculations of, 543.
prohibition of issue of notes by, for the commissariat, 543, 544.
proposals of, for financial administration of the commissariat, 549.
reasons for issue of promissory notes by, 547.
receipt by, for issue of specie, 332.

Alligator, brig

arrival and particulars of, 588.
 cargo of, 588.
 departure and particulars of, 589.
 fees and duties paid on, 590.

Alt, Augustus (late surveyor)

death of, 564.
 method to be adopted for payment of pension of, 603, 604.
 pension for, 190.

Amelia, brig

fees paid on, 335.

Amil or Amill, Peter

execution of, by Walker, T., 97, 101, 110, 113, 114, 116, 117.
 leader in capture of the *Daphne*, 101, 110, 113.
 legal opinion *re* execution of, 623.
 shipment of—
 at Palliser islands, 115.
 on the *Daphne* at Pamoritu islands, 108.

Andrews, J.

owner of the ship *Windham*, 201.

Ankers, Daniel

fraudulent issue of iron to, by Fosbrook, L., 239.

Antill, H. C. (captain)

major of brigade, 7, 570.
 member of governor's party on visit to Bathurst plains, 570.
 salary of, as major of brigade, 191, 598.

Archduke Charles, ship

arrival and particulars of, 194.
 duties paid on, 196, 197.
 reported movements of, 133.

Archer, Thomas

commissariat clerk at Port Dalrymple, 192.
 refusal of, to hire the *William and Anne*, 449.

Argo, ship

arrival and particulars of, 198.
 cargo of, 198.
 duties paid on, 200.
 fees paid on, 335.

Arkell, Thomas

salary of, as overseer of stock, 598.

Arnold, Joseph (transport surgeon)

application of, for return passage, 554.
 arrival of, *per* ship *Northampton*, 554.

Ashe, Thomas

permission for, to become a settler, 94.
 previous history of, 95.

Ashmore, Samuel

master of the *Hibernia*, 589.

Ashton, John

private in governor's bodyguard, 191.

Atalanta, whaler

arrival and particulars of, 193.
 cargo of, 193, 194.
 departure and particulars of, 194.
 despatch *per*, 80, 83, 84.
 duties paid on, 196, 197.

Atkins, Thomas (lieutenant)

embarkation of, on transport *Earl Spencer*, 124, 163.

Atlas, ship

despatch *per*, 633, 634, 636, 637, 638, 646, 648, 649.

Attorneys

admission of ex-convicts as, in the civil court of jurisdiction, 484.
 advocacy for admission of, by Macquarie, L., 490.
 citation of ruling by Mansfield, Earl of, *re*, 498.
 effects of exclusion of ex-convicts as, 490.
 invalidity of statute cited by Bent, J. H., *re*, 507.
 objections of Bent, J. H., to admission of ex-convicts as, 481 *et seq.*
 petition *re* admission as, to Macquarie, L.—
 from Crossley, George, 491 *et seq.*
 from Eagar, Edward, 493 *et seq.*
 reasons of Bent, J. H., for non-admission of ex-convicts as, 497 *et seq.*
 statute disbarring certain convicts as, in England, 497.

Austin, John

salary of, as clock-keeper, 598.

Bageant, Edward

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Baird, Sir David

service of Macquarie, L., on staff of, 397.

Baker, Thomas

master of the *Betsey*, 591.

Baker, William

storekeeper at Hobart, 191.

Bakery

business of, carried on by Foster, S., 620.
 house for, belonging to Palmer, J., 344.

Ballard, John

- damage to premises of Clarkson, T., by, 32, 47, 49.
- demand by Macquarie, L., for surrender of, for trial, 34, 46.
- dispute of, with Watson, Robert, *re* delivery of coals to H.M.S. *Samarang*, 31, 38, 39, 40.
- evidence of, at trial of McNaughton, A., and Connor, P., 24.
- illegality of arrest of Watson, R., 37, 44.
- imprisonment of Watson, Robert, by, 31, 38 *et seq.*, 41, 42.
- justification by Case, Wm., of arrest made by, 42, 43.
- master of H.M.S. *Samarang*, 24.
- release of sailor from watch-house by, 32, 47, 50 *et seq.*
- statement by, *re* dispute with Watson, R., 41.
- trial and acquittal of, 34.

Bantum, James

- attestation of petition by, 354.
- petition for salvage of agent for, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Baring, ship

- convicts *per*, 477.
- despatch *per*, 387, 388, 389, 436, 437, 458, 461, 476, 624.

Barne, S. (commissioner of customs)

- duty proposed by, on importation of wool from N.S.W. into England, 138.

Barnes, R.

- master of the *Jefferson*, 588, 592.

Barns, Edward

- salary of, as overseer at Hobart, 191.

Barrack master

- appointment of, 158.

Barracks

- progress in erection of, 152.

Barrow, John (secretary)

- letter from—
to Macquarie, L., 389.

Barrow, Sarah

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 361.

Bass, George

- explorations of, in the Blue Mountains, 569.

Bate, Samuel (dep. judge-advocate)

- dismissal of, 126.
- salary of, 191.

Bathurst

- account of natives in vicinity of, 609, 610.
- appointment of commandant at, 560.
- experimental agriculture at, 558.
- geographical position of, 575, 576.
- military and convicts stationed at, 558.
- proposals for settlement at, 559.
- reservation of land for small settlers at, 559.
- selection of site for, 574.

Bathurst, Earl

- approval by—
of clauses inserted in land grants, 129.
of increased establishment for governor's bodyguard, 133.
of removal of headquarters at Port Dalrymple, 125.

criticism by—

- of proposed treatment by Macquarie, L., of emancipists and expirees, 134.
- on alleged participation by Macquarie, L., in barter of spirits, 132.
- on road from Sydney to Hawkesbury, 132.

disapproval by—

- of establishment of a distillery, 127.
- of military posts on overland route in Tasmania, 125.

letter from—

- to Macquarie, Lachlan, 55, 60, 71, 72, 124, 135, 136, 137, 139, 249, 252, 266, 268, 269, 270, 273, 378, 379, 383, 387, 388, 436, 458, 461, 478, 553, 602, 603, 622, 624, 627, 630, 631, 633, 634, 636, 637, 638, 646, 648, 649.

letter to—

- from Macquarie, Lachlan, 1, 57, 61, 70, 77, 80, 83, 84, 96, 118, 140, 209, 210, 235, 240, 241, 249, 253, 261, 265, 293, 336, 338, 356, 367, 375, 380, 385, 389, 425, 437, 458, 461, 479, 542, 553, 604, 608, 619, 620.
- from Sidmouth, Lord, 94, 388.

memorial to—

- from Brooks, Richard, 27.
- from Bruce, George, 92.
- from Gore, William, 81.
- from Harris, John, 56.

method to be adopted by, for recommending settlers, 129, 130.**orders by—**

- for abolition of issue of spirits to officials, 129.
- for withdrawal of government servants from military and officials, 130.

wing of general hospital proposed as court-house by, 136.

Bathurst plains

- completion of road from Nepean river to, 467.
- discovery of, by Evans, G. W., 122, 149.
- experimental agriculture at, 558.
- journal of Evans, G. W., for expedition in discovery of, 165 *et seq.*
- land grants to be withheld at, 558.
- military and convicts stationed at, 558.
- proposals for settlement of, 559.
- proposed visit of Macquarie, L., to, 150, 315, 468.
- report by Macquarie, L., on his visit to, 557, 558.
- reservation of land, for small settlers on, 559.
- visit of Macquarie, L., to, 557, 573.

Baudin, N. (commodore)

- objects of exploring expedition of, 74, 75, 241.
- reports of, submitted to Napoleon, 75.
- visit of, to Port Jackson, 74.

Baw, William

- evidence of, at trial of McNaughton, A., and Connor, P., 24.

Baxter, Charles

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Baxter, George

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Bay of Islands (N.Z.)

- opinion of natives at, by Marsden, Rev. S., 582.

Bearback, John

- murder of, at Palmerstone islands, 107.

Beckett, J. (under secretary)

- letter from—
 - to Bunbury, H. E., 272, 631, 632, 634, 635.
 - to Goulburn, Henry, 59, 249, 602, 622, 628.
- letter to—
 - from Peel, Right Hon. Robert, 273.

Belcher, Thomas

- attestation of petition by, 354.
- petition for salvage of agent for, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Bell, Archibald (lieutenant)

- permission for return of, to the colony after deposition of Bligh, Wm., 243.

Bench of Magistrates

- refusal of Bent, Ellis, to preside at, 394, 400.

Bengal

- importation of wheat from, 386.
- wheat to be imported from, 121, 144, 557.

Bennett, Daniel

- owner of—
 - the ship *Catherine*, 589.
 - the ship *Phoenix*, 194.

Bent, Ellis (judge-advocate)

- admission by, of Moore, W. H., to practise in the governor's court, 541.
- complaint to be made by, against Macquarie, L., 399.
- concurrence of, with Bent, J. H., 488, 500, 530.
- consequences of conduct of, 398.
- consideration of port regulations by, 394, 400.
- criticism by, of public works policy, 391.
- denial by, of control by Macquarie, L., in governor's court, 488, 541.
- determination of, to exclude ex-convicts from civil rights, 489, 508.
- disrespect shown by, in church to governor-in-chief, 393.
- duties of, 423.
- erection by, of residence for judge-advocate, 390.
- improper sale of land grants by, 393, 394.
- intercourse of Macquarie, L., with, 383, 389.
- judge-advocate at trial—
 - of Hoolaghan, M., and Suttar, A., 357.
 - of McNaughton, A., and Connor, P., 7.
- land granted to, 389.
- letter from—
 - to Macquarie, Lachlan, 236, 400, 422, 541.
- letter to—
 - from Macquarie, Lachlan, 409, 541.
- necessity for removal of, 621.
- observations by, on proposed port regulations, 401 *et seq.*
- offence taken by, at action of Macquarie, L., 391.
- opinion of—
 - re proposed trial of Fosbrook, Leonard, 236 *et seq.*
 - re ship *Seringapatam*, 351.
- opposition of—
 - to administration of Macquarie, L., 620.
 - to location of court rooms in general hospital, 380 *et seq.*
- petition of Underwood, Joseph, to, 352.
- principles laid down by, danger of, 621.

Bent, Ellis (judge-advocate)

- quarters provided for, 301, 390, 392.
- reasons of, for refusal to revise port regulations, 423, 424.
- refusal of—
 - to obey orders of Macquarie, L., 393.
 - to preside at bench of magistrates, 394, 400.
 - to revise and recode port regulations, 395 *et seq.*, 409, 410, 422 *et seq.*
- regulations framed by, *re* admission of attorneys in the governor's court, 542.
- reply of Macquarie, L., to criticism of port regulations by, 410.
- request of, for surgeon's barracks, 381, 382.
- salary of, as judge-advocate, 190, 597.
- status of, to be defined, 399.
- suspension or removal of, suggested, 398.
- treatment of emancipists and ex-convicts by, 396.
- withdrawal of, from intercourse with Macquarie, L., 392.

Bent, Jeffery Hart (judge)

- admission of practising attorneys recommended to, by Macquarie, L., 489 *et seq.*
- allegations by, against Macquarie, L., of interfering with judicial functions, 515, 519, 538.
- application of, for erection of a suitable court-house, 136.
- appointment of officers of supreme court by, 539.
- arrival of, on the *Broxbornebury*, 296.
- assembling of supreme court by, 480.
- chambers for, 301, 466.
- charter of justice entrusted to care of, 139.
- claim of, to the title of "honourable," 487.
- clerk to, 597.
- compromise—
 - with members of supreme court proposed by, 531, 532.
 - with, proposed by members of supreme court, 483, 534.
- concurrence of, with Bent, Ellis, 488, 500, 530.
- consequences of action of, in refusing to admit ex-convicts as attorneys, 485.
- correspondence with, to be discontinued by Macquarie, L., 540.
- criticism by Macquarie, L., of delays by, in dispatching business of supreme court, 534 *et seq.*
- decision of—
 - to await the arrival of Garling, F., 466.
 - to refuse admission of ex-convicts as attorneys, 481 *et seq.*, 510, 520, 532.
- delay of, in opening supreme court, 466.

Bent, Jeffery Hart (judge)

- determination of, to exclude ex-convicts from civil rights, 489.
- differences of opinions of Broughton W., with, 526, 527.
- distinctions made by, between executive and judicial departments, 496.
- independence of executive power claimed by, 539.
- invalidity of statute cited by, 507.
- justification of his actions by, 517 *et seq.*
- letter from—
 - to Broughton, William, 517, 521, 529, 531, 534.
 - to Macquarie, Lachlan, 495, 536.
 - to Riley, Alexander, 517, 521, 529, 531, 534.
- letter to—
 - from Broughton, William, 516, 520, 521, 532.
 - from Macquarie, Lachlan, 489, 534, 540.
 - from Riley, Alexander, 516, 520, 521, 532.
- necessity for removal of, 621.
- official reception of, 300.
- opposition of—
 - to administration of Macquarie, L., 620.
 - to interference by Macquarie, L., 537.
- * to location of court rooms in general hospital, 380 *et seq.*
- orders to, from Macquarie, L., to submit reports, 536.
- principles laid down by, danger of, 621.
- public indignation at conduct of, 487.
- reasons of, for non-admission of ex-convicts as attorneys of supreme court, 497 *et seq.*
- refusal—
 - by, to admit Crossley, G., and Eagar, E., as attorneys of supreme court, 495 *et seq.*, 510, 530.
 - of compromise offered by Riley, A., and Broughton, W., by, 483, 534.
 - of Riley, A., and Broughton, W., to sit in court with, 516, 517, 519.
 - of, to sit in the supreme court, 528, 529.
- repudiation of control of Macquarie, L., by, 487, 537, 539.
- request of—
 - for lodging money, 301, 647.
 - for surgeon's barracks, 381, 382.
- residence for, 301.
- ruling of, in *ex parte* Crossley, 505.
- salary of, 597.
- solicitors selected by, 139.
- status of Riley, A., and Broughton, W., as magistrates called in question by, 520.
- suspension of sittings of supreme court by, 531.

Betham, George

master of transport *Marquess of Wellington*, 462, 591.

Betsey, colonial vessel

entry of, 195, 204, 595.
sailing of, 196, 200, 596.

Betsey, ship

arrival—
and particulars of, 591.
of, with cargo of wheat, 386.
cargo of, 591.
departure and particulars of, 592.
fees and duties paid on, 593.

Bevan, David

auction duties paid by, 203, 335, 593.

Bicknell, George

eye-witness of capture and re-capture of the *Daphne*, 101.
navigation of brig *Daphne* by, after the mutiny, 112, 114, 116, 117.

Bicknell, Henry

missionary in South Sea islands, 101.

Bicknell, J. B. (ensign)

member of criminal court at trial of Hoolaghan, M., and Suttar, A., 357.

Birch, I. (paymaster, 73rd regt.)

embarkation of, on transport *General Hewitt*, 163.

Birch, Mrs.

land granted to, 4.
wife of paymaster of 73rd regiment, 4.

Bird, Thomas

particulars of sentence of, 91.
seizure of schooner *Unity* by, 86, 184, 185.

Birnie, Alexander, and Co.

owners of—
the *Sydney Packet*, 591.
the whaler *Concord*, 193, 194.

Birnie, James

survey of brig *Emu* by, 586, 587.

Blackman, James

overseer of government stock, 598.

Blady, Ann

salary of, as government housekeeper at Windsor, 191.

Blake, William

arrival of, *per ship Northampton*, 554.

Blaxcell, Garnham

letter from—
to Macquarie, Lachlan, 54.
memorial of, *re* New Zealand trading company, 561, 583 *et seq.*
sandal-wood imported by, 196.
seizure—
of brig *Governor Macquarie* belonging to, by Case, Wm., 61 *et seq.*
of launch and men of, by Case, Wm., 54.

Blaxland, Gregory

general conduct of, 427..
government servants allowed to, 426, 427, 429, 435, 436.
impositions practised by, 427.
insolvency of, 427.
limits of explorations of, 167, 572.
naming of hill by Evans, G. W., after, 167.
partnership of, with Blaxland, J., 426.
passage of Blue Mountains accomplished by, 569.

Blaxland, John

allegations by—
against Broughton, Wm., 430, 432, 434.
of breach of agreement, 428.
capital to be expended by, 425, 427.
claims made by, on government, 425 *et seq.*
general conduct of, 427.
government servants allowed to, 426, 427, 428, 429, 432, 435, 436.
impositions practised by, 427, 431.
insolvency of, 427.
letter from—
to Campbell, J. T., 432.
to Macquarie, Lachlan, 428, 433.
letter to—
from Campbell, J. T., 431, 432, 434.
live stock owned by, 434.
partnership of, with Blaxland, G., 426.
refusal by Macquarie, L., of correspondence with, 434.
selection of land by, 425, 426, 429, 431, 432, 433.
settlement of claims of, 425.

Bligh, William (ex-governor)

land granted by King, P. G., to, at Parramatta, 339.
pension for, 95.
revocation of land grant to, 645.
surrender of land granted to, proposed, 339.

Blucher, Prince

victory of armies under, 622.

Blue Mountains

- construction of road across, 314, 315, 467, 558, 569, 570.
- explorations in, 569.
- journal of Evans, G. W., in first exploring expedition to west of, 165 *et seq.*
- military stationed at post on, 558.
- passage of, by Evans, G. W., 122, 149, 165, 166.
- passes required for passage of, 576.
- road to be constructed across, 150.

Blyth, William

- master of the ship *Windham*, 201.

Bond, Thomas

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 366.

Boneham, Joseph

- inquiries *re* fate of, 437.

Boothman, John Broadhurst

- examination of, *re* administration of Fosbrook, Leonard, 237.
- salary of, as superintendent at Hobart, 598.

Bostock, Robert

- pardon for, 602.

Botany bay

- return of shipping to and from, 199.

Bould, John

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Bourdillon, —

- order for land grant to, 633.

Boways, Robert

- landing of, by mutineers on brig *Daphne*, 109.

Bowden, Matthew (assist. surgeon)

- appointment of, at Hobart *vice* l'Anson, W. (deceased), 126.
- death of, 564.
- salary of, 191.

Bowie, James (botanist)

- instructions to Macquarie, L., *re*, 273.
- proposed visit of, to the Cape of Good Hope, 274.

Bowles, Matthew

- master of the ship *Indefatigable*, 553.

Boyd, ship

- guns of, offered to Marsden, Rev. S., 578.
- losses sustained by Lord, S., in, 583.
- reasons for massacre of crew of, 94, 577.

Brabyn, John (captain)

- member of criminal court for trial of McNaughton, A., and Connor, P., 7.
- permission for return of, to the colony after deposition of Bligh, Wm., 243.

Bradley, Samuel

- arrival of, in brig *Kangaroo*, 119, 141.
- salary of, as superintendent of carpenters, 598.

Bream bay (N.Z.)

- visit of Marsden, Rev. S., to, 578.

Brest, William

- request of, for a land grant, 384.
- service of, on H.M. ship *Victory*, 384.
- testimony in favour of, 385.

Brewery

- proposal by Morris, J., for establishment of, 80.

Britania, ship

- arrival and particulars of, 201.
- cargo of, 201.
- fees paid on, 203, 335.

Britten, William

See "Button, William."

Brodie, William

- commissariat clerk, 190.
- dismissal of, 157, 257.
- trial and conviction of, for malversation, 157.

Broken bay

- return of shipping from, 196.

Brooks, Richard

- agent for Lloyd's underwriters, 587.
- arrival of, as a free settler, 141.
- memorial of—
 - re* New Zealand trading company, 561, 583 *et seq.*
 - to Bathurst, Earl, 27.
- order for land grant to, 27.
- survey of brig *Emu* by, 586, 587.

Brothers, colonial vessel

- entry of, 199, 595.
- sailing of, 196, 200.

Broughton, William

- allegations against, by Blaxland, J., 430, 432, 434.
- appointment of, as member of supreme court, 480.
- compromise proposed by Bent, J. H., with, 531, 532.
- compromise with Bent, J. H., proposed by, 483, 534.
- deputy acting commissary-general, 190.

Broughton, William

differences of opinions of, with Bent, J. H., 526, 527.

judicial experience of, 525.

letter from—

to Bent, Jeffery Hart, 516, 520, 521, 532.

to Macquarie, Lachlan, 509, 527, 529, 608.

letter to—

from Bent, Jeffery Hart, 517, 521, 529, 531, 534.

member of bench of magistrates, 400.

payment of salary to, as acting commissary, 131.

protest of, against Bent's, J. H., action in refusing admission of ex-convicts as attorneys, 481, 485, 511 *et seq.*, 521 *et seq.*

refusal of, to sit in court with Bent, J. H., 516, 517, 519.

report by, to Macquarie, L., *re* transactions of supreme court, 509 *et seq.*

request of, to be relieved from duty in supreme court, 509, 525.

request by, for free passage for relations, 605, 608.

ruling of, *re* admission of ex-convicts as attorneys, 505.

status of, as magistrate, criticised by Bent, J. H., 520.

Brown, John

overseer of government stock at Norfolk Island, 164.

recommendation of, by Hutchinson, Wm., 164.

Brown, John

evidence of, at trial of McNaughton, A., and Connor, P., 13, 14, 15.

Brown, Thomas

evidence of, at trial of McNaughton, A., and Connor, P., 22, 23.

Brown, William or Richard

escape of, from Norfolk island in whaler *New Zealander*, 84, 85, 87 *et seq.*

Browne, Thomas

arrival of, *per* ship *Northampton*, 554.

recommendation of, as a settler, 137.

Broxbornebury, ship

arrival—

and particulars of, 588.

of, 293.

cargo of, 588.

convicts *per*, 269, 295.

departure and particulars of, 592.

despatch *per*, 94, 95, 124, 135, 136, 137, 139.

fees and duties paid on, 590, 593.

stores shipped *per*, 134.

Bruce, George

colonial career of, 251.

inaccuracy of statements of, 251.

marriage of, to daughter of Te-pahi, 92, 251.

memorial of, to Bathurst, Earl, 92.

prohibition of return of, to the colony, 251.

services of, in the colony, 92.

visit of, to India, 93.

Bunbury, Sir H. E. (major-general)

letter from—

to Macquarie, Lachlan, 269, 270, 272, 384, 385, 476, 632.

letter to—

from Beckett, J., 272, 631, 632, 634, 635.

from Harrison, George, 273.

from Lushington, S., 379.

Bunker, Ebor

appointment of, as master of the *Seringapatam*, 313, 351.

despatch entrusted to, 316.

master of—

transport *William and Anne*, 351.

the *Seringapatam*, 592.

wages for, 351.

Bunster, —

payments made to, on brig *Kangaroo*, 456.

Bunster, William

master of the *Spring*, 588, 589.

Burns, James

guide for Evans, G. W., in Blue Mountains, 166.

member of exploring party of Evans, G. W., 177.

Burrell, Thomas

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Burridge, Joseph

particulars of sentence of, 251.

seizure of sloop *Speedwell* by, 250.

Burton and Co.

owners of the ship *Britania*, 201.

Bushrangers

depredations by, in Tasmania, 250, 465, 466, 473, 554 *et seq.*

failure of Davey, T., to suppress, 566.

martial law proclaimed on account of, 555, 566, 567.

proclamation—

by Davey, Thomas, *re*, 473.

of a conditional amnesty for, 262, 264 *et seq.*, 465.

repressive measures to be adopted against, 466, 472, 555.

taking of, to Sydney *per* brig *Kangaroo* from Launceston, 445, 452.

Butcher, J. B. (lieutenant, R.N.)

- alleged—
 - damage to premises of Clarkson, T., by, 32.
 - release of sailor from watch-house by, 33.
- demand—
 - by Macquarie, L., for surrender of, for trial, 34, 46.
 - of, for withdrawal of charges, 53.
- inquiry demanded by, 52.
- letter from—
 - to Macquarie, Lachlan, 52, 53.
- letter to—
 - from Macquarie, Lachlan, 53, 54.
- mistaken identity of, 34, 54.
- seizure of brig *Governor Macquarie* by, under orders from Case, Wm., 63, 64, 67.

Button, William

- particulars of sentence of, 91.
- seizure of schooner *Unity* by, 86, 184, 185.

Caledon, Earl of

- recommendation of Campbell, J. T., by, 468.

Caley, George

- explorations of, in the Blue Mountains, 569.

Caley's Repulse

- naming of mountain by Macquarie, L., 570.

Callaghan, Frederick

- particulars of sentence of, 91.
- seizure of schooner *Unity* by, 86, 184, 185.

Cameron, H. J. (major)

- embarkation of, on transport *General Hewitt*, 163.
- salary of, as artillery officer, 191.

Campbell, — (major)

- recommendation of, by Goulburn, H., 624.

Campbell, Alexander (lieutenant)

- member of criminal court at trial of Hoolaghan, M., and Suttar, A., 357.

Campbell, Duncan

- salary of, as naval officer at Hobart, 191.

Campbell, James

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Campbell, John Thomas

- character of, 468.
- government servants allowed to, 323.
- insufficiency of salary of, 469.

Campbell, John Thomas

- letter from—
 - to Allan, D., 321.
 - to Blaxland, John, 431, 432, 434.
 - to Cowper, Rev. William, 338.
 - to Hartley, John, 178, 180, 181, 182, 183.
 - to Hutchison, John, 212, 215, 217, 219, 220.
 - to Jeffreys, Charles, 447, 449, 454.
 - to Walker, William, 342, 345, 348.
- letter to—
 - from Blaxland, John, 432.
 - from Hutchison, John, 213, 216, 218, 219.
 - from Jeffreys, Charles, 447, 451, 455.
 - from Luttrell, Edward, 244.
 - from Redfern, William, 244.
 - from Walker, William, 344, 346.
 - from Wentworth, D'Arey, 244.
- member of governor's party on visit to Bathurst plains, 570.
- proposed appointment of, as colonial secretary, 469.
- salary of, as secretary, 190, 597.
- services of, to Macquarie, L., 468.

Campbell Macquarie, brig

- arrival and particulars of, 588, 591.
- cargo of, 588.
- departure and particulars of, 589.
- fees and duties paid on, 590, 594.

Campbell Macquarie, colonial vessel

- entry of, 195.
- sailing of, 199.

Campbell river

- discovery and naming of, by Evans, G. W., 170, 171.

Campbell, Robert (ass. naval officer)

- affidavit of, *re* seizure of brig *Governor Macquarie* by Case, Wm., 62 *et seq.*
- allegations by Case, Wm., against, 67.

Campbell, William

- master of brig *James Hay*, 100, 198.

Can, John

- treatment of, by Fodger, M., at Otaheite, 108.

Canada, ship

- non-arrival of, from England, 554.

Cape of Good Hope

- convicts to be transported from, to New South Wales, 633.
- visit of H.M. brig *Kangaroo* to, 123.

Carne, Thomas (lieutenant)

- leave of absence granted to, by Davey, T., 473.

Carr, William

master of the *Derwent*, 588, 589.

Carter, J. (surgeon, 73rd regiment)

embarkation of, on transport *General Hewitt*, 163.

Cartwright, Reverend Robert

salary of, 190, 597.

Case, William (captain, R.N.)

arrival of, on H.M.S. *Samarang*, 30.
complaints of merchants against, 36, 54.
convicts shipped on H.M.S. *Samarang* by, 32, 45.

decision of, to remain in Port Jackson, 35.
disregard of port regulations by, 55, 36.

justification by, of arrest of Watson, R., 42, 43.

letter from—

to Macquarie, Lachlan, 41, 42, 44, 46, 48, 66.

letter to—

from Macquarie, Lachlan, 37, 43, 45, 46, 48, 65, 68.

misconduct of, report by Macquarie, L., on, 30 *et seq.*, 61 *et seq.*

orders of, for detention of brig *Governor Macquarie*, 68.

pressing of seamen by, 32, 36.

reasons of, for detaining brig *Governor Macquarie*, 66, 67.

report by, on dispute between Ballard, J., and Watson, R., 41.

repudiation by, of control of Macquarie, L., over ships of war, 66.

seamen of brig *Governor Macquarie* impressed by, 62.

seizure—

of brig *Governor Macquarie* by, 61 *et seq.*
of launch and men by, 54.

Castlereagh

chaplain required at, 154.

public buildings erected at, 154.

schoolmaster required at, 154.

Catherine, transport

arrival of, 253.

convicts *per*, 253.

departure and particulars of, 589.

fees paid on, 335, 590.

Cavalle islands

visit of Marsden, Rev. S., to, 577.

Cavan, Earl of

service of Macquarie, L., on staff of, 397.

Ceylon

embarkation returns of troops sent to, 124, 163.

orders for transfer of 73rd regiment to, 55, 119.

proposed voyage of transports to, 120.

Chartres, George

application of, for admission as attorney in supreme court, 510 *et seq.*, 530.

reasons by Bent, J. H., for refusal of application of, 514, 530.

salary of, as clerk to superintendent of police, 597.

Cherub, H.M.S.

visit of, to the Sandwich islands, 624 *et seq.*

Chippendale, —

permission for, to become a settler, 383.

Civil officers

criticism by Bathurst, Earl, of allowances to, 646, 647.

effects of retrenchments on, 298.

memorial of, *re* allowances, 323.

modification by Macquarie, L., of orders *re* allowances to, 299, 320, 321, 322.

orders—

for issue of fuel to be discontinued, 130.

re absence of, without leave, 400.

participation of, in trade and commerce, 58, 156, 256, 257, 260, 644.

proposed increase of salaries of, 647.

quarters provided for, 302.

return of, to whom quarters were allowed, 327.

returns of, 190 *et seq.*, 597, 598.

virtualling of families of, to be discontinued, 297, 319, 320, 322.

withdrawal of convict servants allowed to, 130, 297 *et seq.*, 319, 320, 322.

Clark, John

salary of, as superintendent at Hobart, 191.

Clarke, William

attestation of petition by, 354.

petition for salvage by agent of, 352 *et seq.*

recaptor of ship *Seringapatam*, 354.

Clarkson, ship

arrival of, in the river Thames, 71.

Clarkson, Thomas

affidavit of, *re* damage to premises by naval officers, 49, 50.

damage to premises of, by officers of H.M.S. *Samarang*, 33, 49.

Climatology

- droughts—
 - break-up of, 386.
 - occurrence of, in 1813-14, 121, 314.
- hail storm, occurrence of, at Sydney, 261.
- rainfall, 557.

Coal

- discovery of, near Sydney, 159.
- shipment of, annually to Calcutta, 159.

Coal river

See "Newcastle."

Coane, Anthony (captain)

- embarkation of, on transport *General Hewitt*, 163.
- member of criminal court for trial of McNaughton, A., and Connor, P., 7.

Cochin, ship

- proposed sailing of, from Hobart, 567.

Coleman, —

- proposed participation of, in French expedition against the colony, 76.

Collins, —

- owner of the colonial vessel *William and Anne*, 449.

Collins, David (late lieut.-governor)

- pension for widow of, 95.

Collins, William

- owner of the ship *Mary and Sally*, 194.

Collyer, Edward

- landing of, by mutineers of brig *Daphne*, 109.

Colonial secretary

- proposed appointment of Campbell, J. T., as, 469.

Commerce

See "Trade and Commerce."

Commissariat

- glass, requisition for, 262.
- grain—
 - failure of supplies of, from droughts, 121, 144.
 - importation of, orders for, 121, 144.
 - shipment of, in the *Betsey*, 386.
- issue of promissory notes by Allan, D., for, 542 *et seq.*, 547.
- objections of Allan, D., to system of store receipts, 547.
- officers of, 190.
- orders *re* illicit practices in department of, 259, 260 *et seq.*

Commissariat

- problems of the grain supply, 58, 121, 128, 144, 557.
- prohibition of commandants appropriating stores, 256, 259.
- quality of tools supplied, 565.
- rations, returns to be made of issue of, 129.
- regulations for issue of store receipts for, 545, 546.
- return of provisions in store, 187, 192.
- robberies committed on, 157.
- spirits—
 - daily issue of, to military, proposed, 146, 147.
 - issue of, to officials to be discontinued, 129.
- stores shipped *per Broxbornebury*, 134.
- supply of grain by settlers to, 255, 257 *et seq.*
- virtualling of families of civil servants, 297 *et seq.*

Commissioners of Admiralty

See "Admiralty, Commissioners of."

Commissioners of Transport

See "Transport, Commissioners of."

Commissioners of Treasury

See "Treasury, Commissioners of."

Commissions and warrants

- by Bathurst, Earl—
 - for Abbott, Edward, as judge-advocate, 267.
 - for Molle, George, as lieutenant-governor, 71.
 - for Tims, Martin, as provost-marshal, 267.
- for Youl, Rev. John, as chaplain, 630.
- by Sidmouth, Lord—
 - for pardon of Hoolaghan, M., and Suttar, A., 631.
 - for pardon of Bostock, R., and McQueen, J., 602.

Concord, whaler

- arrival—
 - and particulars of, 193.
 - of, 84.
- cargo of, 193.
- departure and particulars of, 194.
- duties paid on, 196, 197.

Conliff, John

- salary of, as overseer at Hobart, 191.

Connison, Walter

- salary of, as superintendent at Port Dalrymple, 192.

Connolly, Daniel

- transmission of money for use of, 479.

Connor, Philip (lieutenant)

- embarkation of, on transport *Earl Spencer*, 124, 163.
- murder of Holness, William, by, 2.
- proceedings at trial of, for murder, 7 *et seq.*
- public censure of, by Macquarie, L., 6.

Convicts

- allowance of—
 - to magistrates, 130, 320, 322.
 - to subordinate officers, 320, 321, 322.
- clothing proposed for, on transports, 281 *et seq.*
- diet proposed for, on transports, 285 *et seq.*
- disapproval by Bathurst, Earl, of proposed erection of barracks for, 643.
- escape of, from Norfolk Island in the whaler *New Zealander*, 84, 85, 87 *et seq.*
- females sent to Hobart, 254.
- form for return of, 437.
- general return of, to be made annually, 436.
- inquiry into treatment of, on the transport *General Hewitt*, 140, 244 *et seq.*
- mistakes in records of assignments or sentences of, 628, 629.
- pardons for, 602.
- per*—
 - Baring*, 477.
 - Broxbornebury*, 269, 295.
 - Catherine*, 253.
 - Earl Spencer*, 118, 140.
 - Fanny*, 632.
 - General Hewitt*, 138, 140.
 - Indefatigable*, 553.
 - Marquess of Wellington*, 462.
 - Mary Anne*, 624.
 - Northampton*, 553, 634.
 - Ocean*, 632.
 - Somersetshire*, 249, 462.
 - Surrey*, 269, 274, 295.
 - Three Bees*, 253.
 - Wanstead*, 59, 119, 140.

- problem of female convicts, 134, 312.
- regulations to be enforced *re* treatment of, on transports, 640.
- report by Redfern, Wm., on occurrence and prevention of disease amongst, on transports, 275 *et seq.*
- restriction of free passages for wives of, proposed, 296.
- seizure—
 - of schooner *Unity* at Hobart by, 86, 160, 184, 185.
 - of sloop *Speedwell* at Newcastle by, 250.
- shipping of, as seamen on H.M.S. *Samarang*, 32, 45.
- withdrawal of, allowed to civil officials and military, 130, 297 *et seq.*, 319, 320, 322.

Convicts

- wives of—
 - permitted to sail for the colony, 385.
 - permitted to travel in—
 - the *General Hewitt*, 57.
 - the *Mary Anne*, 553.

Cooghan, John

- member of exploring party of Evans, G. W., 177.

Cordell, Benjamin

- escape of, from Norfolk island, in whaler *New Zealander*, 84, 85, 87 *et seq.*

Cossar (Cosar), William

- memorial of, *re* allowances, 323.
- particulars of ship *Seringapatam* supplied by, 355.
- salary of, as master builder, 190, 597.
- survey of brig *Emu* by, 586, 587.

Court-house

- disapproval by Bathurst, Earl, of proposed erection of, 643.
- erection of, by subscription proposed, 77, 78, 391.
- estimated cost of, 77, 78.
- opposition of Messrs. Bent to location of, at general hospital, 380 *et seq.*
- plans and estimates for, 153, 178.
- preparation of, at general hospital, 300, 380 *et seq.*
- wing of general hospital proposed as, 136.

Court martial

- on Fosbrook, Leonard, for malversation of public property, 236, 238 *et seq.*

Court of Civil Jurisdiction

- charter for re-constitution of, 139.
- duties of provost-marshal, 82.
- establishment and jurisdiction of, in Tasmania, 126, 151.
- promulgation of charter for re-constitution of, 300.

Court of Criminal Jurisdiction

- constitution of, to be maintained, 139.
- necessity—
 - for establishment of, in Tasmania, 151.
 - for reform of, 3.
- popular feeling against, 3.
- trial before—
 - of Brodie, W., for malversation, 157.
 - of Connor, P., for murder, 2, 6, 7 *et seq.*
 - of Hoolaghan, M., for murder, 356, 357 *et seq.*
 - of McNaughton, A., for murder, 2, 6, 7 *et seq.*
 - of Suttar, Alexander, for murder, 356, 357 *et seq.*
 - of White, John, for murder, 356.

Courts of Law

See "Bench of Magistrates," "Court of Civil Jurisdiction," "Court of Criminal Jurisdiction," "Governor's Court," "Supreme Court," "Vice-admiralty Court."

Cowgill, Joseph

salary of, as clerk in secretary's office, 597.

Cowper, Reverend William

government servants allowed to, 323.
letter to—
from Campbell, J. T., 338.
on duty at Sydney, 154.
recommendation by, of petition of Hannam, R., 78, 80.
salary of, 190, 597.
use of unauthorised version of psalms by, 338.

Cox, William

character and abilities of, 560.
commendation of services of, by Macquarie, L., 468, 558, 569, 570.
completion of road to Bathurst plains by, 467.
construction of road to Bathurst plains by, 314, 315, 467, 569, 570.
land grant proposed for, 558.
principal magistrate at Windsor, 314.
public thanks to, for services in construction of western road, 576.
recommendation of, as commandant at Bathurst, 560.
remuneration of, proposed, 558.

Cox's pass

descent and naming of, by Macquarie, L., 571.

Cox's river

naming of, by Macquarie, L., 572.

Craddock, Joseph

private in governor's bodyguard, 191, 598.

Crane, T. A. (lieutenant)

commandant at Norfolk Island, 84.
report by, of escape of convicts in whaler *New Zealander*, 84.

Creswell, John

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Cribb, George

purchase of provisions for brig *Kangaroo* from, 456.

Croker, J. W. (secretary)

letter to—
from Macquarie, Lachlan, 30.
from Tucker, T. T., 625, 627.

Crossley, George

admission of, as attorney of civil court of jurisdiction, 500, 501, 504.
affidavit of, in support of his application for admission as attorney in supreme court, 500 *et seq.*
application of, for admission as attorney of supreme court, 483, 510 *et seq.*, 515, 530.
attorney for Palmer, John, 501.
evidence of, at trial of Hoolaghan, M., and Suttar, A., 366.
legal career of, 491, 492.
memorial of, to Macquarie, L., 491 *et seq.*, 503 *et seq.*
refusal of Bent, J. H., for admission of, as attorney of supreme court, 495 *et seq.*, 510, 530.

Crowther, Richard

salary of, as superintendent at Hobart, 598.

Cubit, Daniel

memorial of, *re* allowances, 323.
salary of, as county gaoler, 190, 598.

Cuff, Michael

murder of, at Palmerstone islands, 107.

Cullen, Patrick

evidence of, at trial of Hoolaghan, M., and Suttar, A., 366.

Cumberland, colonial vessel

entry of, 195, 199, 595.
sailing of, 196, 204.

Cunningham, Allan (botanist)

instructions to Macquarie, L., *re*, 273.
proposed visit of, to the Cape of Good Hope, 274.

Curtis, Thomas

particulars of sentence of, 91.
seizure of schooner *Unity* by, 86, 184, 185.

Dalton, James

proclamation of conditional amnesty of, as bushranger, 264 *et seq.*

Daphne, brig

capture of, by South Sea islanders, 97, 101, 103, 109.
deposition *re* transactions on—
by French, Thomas, 110, 112, 113.
by Hendrick, Abraham, 107 *et seq.*, 115 *et seq.*
by Jones, John, 110, 114.
by Randall, John, 111, 116 *et seq.*
entry of, 199.
fees paid on, 203, 204.
murder of master of, 97, 101, 109, 112.
recapture of, by brig *Endeavour* at Otaheite, 97, 101, 103, 110, 112, 114, 116, 117.

Davey, —

mate of the *Queen Charlotte*, 108.

Davey, Thomas (lieut.-governor)

abuses of power by, alleged, 459.

cattle issued by, 242.

censure of, by Macquarie, L., 556.

contract with Lord, Edward, made by, 556.

dishonesty of, in financial administration, 459.

failure of, to suppress bushranging, 566.

importation of spirits authorised by, 556, 567.

instructions of, to Jeffreys, C., *re* movements of brig *Kangaroo*, 443 *et seq.*

lands granted by, 242.

letter from—

to Jeffreys, C., 443, 444, 445, 446.

to Macquarie, Lachlan, 472, 566.

letter to—

from Jeffreys, C., 444, 446.

martial law proclaimed by, in Tasmania, 555, 567.

private character and conduct of, 242, 458 *et seq.*

proclamation by, *re* bushrangers, 473.

provision proposed for wife and daughter of, 461.

removal of, suggested, 242, 460, 556.

repressive measures adopted by, against bushrangers, 472, 555.

salary of, 191, 598.

Davidson, William

assistant to gaoler, 598.

Davies, John

account by, of transactions in South Sea islands, 102, 103.

letter from—

to Macquarie, Lachlan, 102.

Davis, John

proclamation of conditional amnesty of, as bushranger, 264 *et seq.*

Davis, Moses

proclamation of conditional amnesty of, as bushranger, 264 *et seq.*

Davis, William

salary of, as assistant to gaoler, 191.

Dawson, G. (lieutenant)

embarkation of, on transport *General Hewitt*, 163.

Dawson, Robert

escape of, from Norfolk Island in whaler *New Zealander*, 84, 85, 87 *et seq.*

Day, William

evidence of, at trial of Hoolaghan, M., and Suttar, A., 365.

Degraieres, — (colonel)

proposed leader of French expedition for attack on the colony, 73.

Delany, James

evidence of, at trial of McNaughton, A., and Connor, P., 19, 20.

Dermott, J. M. (assist. surgeon, 73rd regt.)

embarkation of, on transport *Windham*, 163.

Derwent

See "Hobart."

Derwent, schooner

arrival and particulars of, 588.

cargo of, 588.

departure and particulars of, 589.

fees—

and duties paid on, 590.

paid on, 335.

Dickson, John

arrival of, on transport *Earl Spencer*, 118, 141, 159.

land and assistance granted to, 159.

mills in course of erection by, 159.

Dillon, Count

proposed leader of French expedition for attack on the colony, 73.

Dillon, Peter

deposition of, *re* transactions at Fiji islands, 103 *et seq.*

letter from—

to Glenholme, H., 111.

letter to—

from Glenholme, H., 111.

master of cutter *Elizabeth*, 103.

Distillery

disapproval by Bathurst, Earl, of establishment of, 127, 642.

establishment of, advocated by Macquarie, L., 147, 151, 308, 309, 641.

Divine, Nicholas

allowance to, 598.

Dixon, J. P.

master of the ship *Argo*, 198.

Dockerell, William

mistake in record of transportation of, 628.

Dollars, holey

consolidation of, into treasury bills, 146.

issue of, 145.

Donovan, Mary

evidence of, at trial of McNaughton, A., and Connor, P., 15.

Dowdle, Charles

arrival of, *per* ship *Northampton*, 554.

Dowling, George (wharfinger)

affidavit of, *re* delivery of coals to H.M.S. *Samarang*, 39, 40.
wharfinger at Sydney, 597.

Droughts

See "Climatology."

Drummond, John

application of, for commission as naval officer, 463, 469, 470.
appointment of, as naval officer at Hobart, 269, 645.
arrival of, 462.
letter from—
to Macquarie, Lachlan, 469.
passenger *per* *Marquess of Wellington*, 269, 462.
salary of, 598.

Druse, —

See "Bruce, George."

Dry, Richard

salary of, as storekeeper at Port Dalrymple, 192, 598.

Duffie, James

mistake in record of assignment of, 629.

Duglass, William

master of the brig *Spring Grove*, 193, 194.

Dumps

consolidation of, into treasury bills, 146.
issue of, 145.

Duncan, James

attestation of petition by, 354.
petition for salvage by agent of, 352 *et seq.*
recaptor of ship *Seringapatam*, 354.

Duncan, William

master of the *Frederick*, 589.

Dunn, Martha

evidence of, at trial of Hoolaghan, M., and Suttar, A., 362.

Dunstan, Joseph

recommendation of, by Hutchinson, Wm., 164.
shepherd at Norfolk island, 164.

Dyes

report by Hutchinson, John, of his researches in, 220 *et seq.*

Eagar, Edward

application of, for admission as attorney in the supreme court, 510 *et seq.*
legal work undertaken by, 493, 494.
memorial of, to Macquarie, L., 493 *et seq.*
refusal of Bent, J. H., for admission of, as attorney in the supreme court, 495 *et seq.*, 510.

Earl Spencer, ship

arrival—
and particulars of, 198.
of, 118, 140.
cargo of, 198.
convicts *per*, 118, 140.
departure and particulars of, 202.
despatch *per*, 96, 118.
duties paid on, 200, 203.
embarkation of troops on, 119, 124, 141, 163.

Earle, P.

master of the *General Hewitt*, 141, 201.
misconduct of, 141, 277.
purchase of convicts' rations by, 277.

Edgar, F. (adjutant, 73rd regt.)

embarkation of, on transport *General Hewitt*, 163.

Edwards, Rowland

trial of Hoolaghan, M., and Suttar, A., for murder of, 357 *et seq.*

Edwin, colonial vessel

entry of, 195, 199.
sailing of, 196, 199.

Eimeo, island of

arrival—
of brig *James Hay* at, 100.
of Henry, Wm., at, 101.
visit of brig *Daphne* to, 108.

Elder, William

affidavit of, *re* certificate of Johnstone, J., 90.
letter from—
to Glenholme, H., 87, 89.
letter to—
from Glenholme, H., 87, 89.
master of—
the whaler *Concord*, 84, 193, 194.
the whaler *New Zealander*, 84.
reports by, on escape of convicts from Norfolk island in whaler *New Zealander*, 85, 87 *et seq.*

Eliza, ship

- arrival—
 - and particulars of, 193.
 - of, at Hobart from Mauritius, 566.
- cargo of, 193, 194.
- departure and particulars of, 194, 589.
- fees and duties paid on, 196, 197, 335, 336, 590.
- importation of spirits on, to Hobart, 556.

Elizabeth, cutter

- deposition of Dillon, P., *re* visit of, to Fiji islands, 103 *et seq.*
- entry of, 199, 204.
- native women carried to Port Jackson on, 111, 112.
- sailing of, 200, 596.

Elizabeth and Mary, colonial vessel

- entry of, 195, 204, 595.
- sailing of, 196, 204, 595.

Elliot, William

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Emancipists and expirées

- admission of, to magistracy, 508.
- opinions—
 - of Bent, Ellis, *re*, 396.
 - of Bent, J. H., *re*, 484.
- principles *re*, laid down by Messrs. Bent, danger of, 621.
- proposed admission of, as attorneys in supreme court, 481 *et seq.*
- re-admission of, to civil rights, 507.
- status of, to be defined, 489.
- treatment of, by Macquarie, L., criticised by Bathurst, Earl, 134, 315.

Emu (Bissett), H.M. brig

- capture of, 127.

Emu (Forster), H.M. brig

- arrival of, 462.
- despatch *per*, 266, 268.
- establishment of, 438.
- return of, to England proposed by Macquarie, L., 442.
- services required of, 438.
- survey—
 - and condemnation of, 563.
 - of, report of, 586, 587.
- troops to be sent to Tasmania in, 563.

Emu ford

- passage of by Evans, G. W., 165.
- proposed road to, from Parramatta, 152.

Emu island

- reservation of land at, 318.

Endeavour, brig

- attempted capture of, by natives at Otaheite, 112.
- entry of, 204, 595.
- execution of Amil, Peter, on, 97, 101, 110, 113, 114, 116, 117.
- recapture of the *Daphne* at Otaheite by, 97, 101, 103, 110, 112, 114, 116, 117.
- sailing of, 204.

Essex, American frigate

- capture of the *Seringapatam* by, 313, 350, 352.

Estremina, schooner

- coals supplied from, to H.M.S. *Samarang*, 30.
- condition of, 438.

Evans, George William (assistant surveyor)

- application of, for increased salary, 469, 474, 475.
- appointment of, as dep. surveyor at Hobart, 126.
- constitution and equipment of exploring party of, 177, 561, 619.
- discovery by—
 - of Bathurst plains, 122, 149, 171.
 - of Lachlan river, 615.
 - of Macquarie river, 122, 171.
- duties of, 305.
- explorations of, 122, 149, 165 *et seq.*, 560, 609, 611 *et seq.*
- gratification in England at discoveries of, 639.
- journal of expedition of—
 - to Bathurst plains, 165 *et seq.*
 - to Lachlan river, 611 *et seq.*
- letter from—
 - to Macquarie, Lachlan, 474.
- member of governor's party on visit to Bathurst plains, 570.
- members of party of, 177, 619.
- proposed examination of Macquarie river by, 468.
- requisition of, for surveyor's instruments, 161, 206, 469, 475, 476.
- return of, from his second expedition, 608.
- salary of, 191, 305, 598.
- tree marked at Mandagery creek by, 616.

Evans, Thomas

- private in governor's bodyguard, 191, 598.

Evans, William (assist. surgeon)

- government servants allowed to, 323.
- salary of, 190, 597.

Expenditure

See "Finance."

Exploration

- journal of expedition of Evans, G. W.—
 - to Bathurst plains, 165 *et seq.*
 - to Lachlan river, 611 *et seq.*
- of Bass, G., and Caley, G., in the Blue Mountains, 569.
- of Blaxland, G., Lawson, W., and Wentworth, W. C., in the Blue Mountains, 569.

Eyres, John

- affidavit of, *re* confinement and release of seaman of H.M.S. *Samarang*, 50.
- watch-house keeper in King-street, 50.

Fairlie, Ferguson and Co.

- See* their agent, "Walker, William."

Falkland islands

- proposed rendezvous of French expedition against colony at, 76.
- wreck of ship *Isabella* on, 124.

Fanny, ship

- convicts *per*, 632.
- despatch *per*, 477, 478, 479, 553, 602, 603, 622.

Faultless, John

- arrival of, 141.
- recommendation of, as a settler, 28.

Favourite, brig

- arrival and particulars of, 193.
- cargo of, 193.
- departure and particulars of, 198.
- fees paid on, 196, 197, 200.

Fawkner, John

- transfer of, from Hobart to Newcastle, *per* brig *Kangaroo*, 445.

Field, Thomas

- private in governor's bodyguard, 598.

Fiji islands

- arrival of the *Elizabeth* from, 199.
- deposition of Dillon, P., *re* visit of ship *Hunter* and cutter *Elizabeth* to, 103 *et seq.*

Finance

- annual cost of brig *Kangaroo*, 457.
- bills drawn for expenses of brig *Kangaroo*, 456, 457.
- cost—
 - of charter of ship *General Browne*, 386.
 - of transports of troops on ship *Frederick*, 564.
 - of upkeep of brig *Kangaroo*, 439.
 - of wheat imported in ship *Betsy*, 386.

Finance

- estimates—
 - alterations in, proposed, 135.
 - for 1814, 95.
 - for 1815, 478, 479.
 - for native institution, 373.
- expenditure—
 - causes of increase of, 145, 294.
 - in Tasmania in 1807-8, 379.
 - on brigs *Kangaroo* and *Emu*, 443.
 - on making roads, 132, 152.
 - on quarters for judge-advocate, 390.
 - proposed on a court-house, 153.
 - reduction in, 120.
- issue of promissory notes by Allan, D., 542 *et seq.*
- method of keeping the public accounts, 546 *et seq.*, 551.
- orders—
 - re* issue of store receipts, 543, 545, 546.
 - re* regimental paymaster's accounts, 270 *et seq.*
- revenue, colonial—
 - fees and duties collected by naval officer, 196, 197, 200, 203, 204, 335, 336, 590, 593, 594.
 - payment to Hartley, John, from, 263.
 - payments to be made from, 131, 133, 311.
- salaries—
 - of solicitors, 139, 311.
 - payment of, 131, 311.
 - redistribution of, 127.
- statute relating to keeping of public accounts, 548.
- transmission of money for Connolly, D., 479.

Fish river

- discovery and naming of, by Evans, G. W., 169, 170.

Fisher, Jemima

- salary of, as government housekeeper at Parramatta, 191.

Fisk, R.

- master of the brig *Favourite*, 193.

Fitz, Robert (late dep. commissary)

- financial status of, 210.
- inquiries *re* accounts of, 122, 209.

Fitzgerald, Lord Henry

- testimony in favour of Brest, W., from, 385.

Fitzgerald, Richard

- appointment of, as commissariat clerk, 157, 190.
- salary of, as superintendent of works at Windsor, 191, 598.

Fitzgerald, Thomas

- salary of, as schoolmaster at Hobart, 191.

Flinders, Matthew (captain, R.N.)

requisition by Macquarie, L., for charts and book of, 605.

Flood, Isaac

extra commissariat clerk, 190.

Fly, colonial vessel

entry of, 195.

sailing of, 199.

Fodger, Michael

depositions *re* voyage of, to South Seas, 107
et seq.

master of the *Daphne*, 97, 101, 107.

murder of, by South Sea islanders, 97, 102,
109, 112, 114, 115, 117.

seamen turned ashore by, at Otaheite, 108.

Foley, Bartholomew

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Fore, Randal

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Forrest, Richard

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Forster, G. B. (lieutenant, R.N.)

arrival of, 462.

commander of the brig *Emu*, 442, 462.

commendation of, by Macquarie, L., 563.

Fortune, ship

departure and particulars of, 194.

Fosbrook, Leonard (dep. commissary)

bond of security given by, 312, 333, 334.

charges preferred against, 238, 239.

court martial and sentence passed on, 236,
238 *et seq.*

expenditure in Tasmania under, 379.

leave of absence granted to, 312.

supersession of, by Hogan, P. G., 122.

trial of, proposed, for fraudulent conduct,
122, 235.

Foster, James

salary of, as clerk to judge-advocate, 597.

Foster, Samuel

baking business carried on by, 620.

recommendation of, by Macquarie, L., 619,
620.

Foveaux, Joseph (colonel)

character of, 243, 460.

participation of, in usurpation of government of Bligh, William, 243.

recommendation of, by Macquarie, L., as lieutenant-governor of Tasmania, 242,
243, 460.

France

cessation of hostilities with, 139, 252.

defeat of military forces of—
at Vittoria, 1.

near Pampluna, 70.

report of proposed attack by, on the colony,
72 *et seq.*, 241.

treaty of peace with, 268.

Francis and Eliza, ship

despatch *per*, 378.

non-arrival of, 554.

reported capture of, by an American privateer, 554.

Francis, John

employment of, at the general hospital, 85.

escape of, in ship *Hope*, 86.

transportee in the *Indefatigable*, 85.

Francis, schooner

employment of Bruce, George, on, 92.

Frederick, ship

departure and particulars of, 589.

fees and duties paid on, 335, 336, 590.

troops carried to Madras by, 564.

French, Thomas

deposition of, *re* voyage of brig *Daphne*,
110, 112, 113.

reasons for sparing life of, by *Daphne*
mutineers, 114.

Fryett, R. W.

recommendation of, as a settler, 634.

Fulton, Reverend Henry

government servants allowed to, 323.

on duty at Sydney, 154.

proposed appointment of, to Castlereagh,
154.

salary of, as assistant chaplain, 190, 597.

Fustick

report by Hutchison, John, on his researches
with, 224 *et seq.*

Gardens, government

head gardener at, 252, 253.

Gardiner, Mrs.

permission for, to embark on the *General Hewitt*, 57.

Garling, Frederick

appointment of, as solicitor, on recommendation of Bent, J. H., 139, 268.

opening of supreme court delayed pending
arrival of, 466.

passenger *per Francis and Eliza*, 268.

salary of, 268.

Garrow, W.

legal opinion of, *re* execution of Amil, P.,
by Walker, T., 623.

Gaudry, William

question of indulgences for, 388.

Geils, A. (lieutenant-colonel)

embarkation of, on transport *Windham*, 163.
incompetency of, for post of lieutenant-
governor in Tasmania, 243, 460.

Geils, Mrs.

land granted to, 4.

General Browne, ship

arrival—
and particulars of, 591.
of, 386.
cargo of, 591.
chartering of, for conveyance of troops to
Ceylon, 386.
departure and particulars of, 592.
despatch *per*, 380, 385.
fees and duties paid on, 593.
troops sent to Ceylon in, 461.

General Hewitt, transport

arrival—
and particulars of, 201.
of, 138, 140.
cargo of, 201.
convicts *per*, 138, 140.
delay in effecting repairs to, 141.
departure of, for Ceylon, 141.
despatch *per*, 28, 29.
embarkation of troops on, 119, 141, 163.
fees paid on, 203.
indents of convicts *per*, wanted, 564.
inquiry into treatment of convicts on, 140,
244 *et seq.*
report by Redfern, Wm., on treatment of
convicts on, 276 *et seq.*
shipment of scales and tools *per*, 91.

General Suwarrow, ship

arrival and particulars of, 588.
cargo of, 588.
departure and particulars of, 589.

General Wellesley, ship

removal of Bruce, G., and Te-pahi's daughter
from New Zealand in, 93.

Geographe, brig

visit of, to Port Jackson, 74, 241.

Geordy, colonial vessel

entry of, 195, 199, 204, 595.
sailing of, 195, 199, 204, 595, 596.

George, Robert

attestation of petition by, 354.
petition for salvage of agent of, 352 *et seq.*
recaptor of the ship *Seringapatam*, 354.

Gerard, William

treatment of, by Fodger, M., at Otaheite,
108.

Gibbons, M. J.

salary of, as clerk of public market, 190.

Gilberthorp, Thomas

fulfilment by, of tender to supply grain,
258.

Giles, Isaac

death of, from typhus fever on the *Surrey*,
280.

Gill, John M. (captain)

appointment of, as artillery officer and in-
specter of public works, 158.
member of criminal court at trial of Hoolag-
ghan, M., and Suttar, A., 357.
salary of, as engineer, 598.

Gill, William

murder of, by mutineers on brig *Daphne*,
109.

Givinn, —

master of ship *Anne*, 88.
refusal of, to take escaped convicts from
whaler *New Zealander*, 88.

Glenholme, Henry (naval officer)

commission received by, 190.
letter from—
to Dillon, Peter, 111.
to Elder, W., 87, 89.
letter to—
from Dillon, Peter, 111.
from Elder, W., 87, 89.
member of criminal court at trial of
Hoolaghan, M., and Suttar, A., 357.

Goode, Dr.

use of version of psalms of, 336 *et seq.*, 637.

Goodenough, Philip

master of the *Betsey*, 592.

Goodson and Co.

owners of the *Somersetshire*, 591, 592.

Gordon, Adam

letter from—
to Macquarie, Lachlan, 379.

Gordon, George Alexander (major)

embarkation of, on transport *Earl Spencer*,
124, 163.

member of criminal court for trial of
McNaughton, A., and Connor, P., 7.

Gordon, James

purchase of provisions for brig *Kangaroo*
from, 456.

Gordon, James

appointment of, as naval officer at Hobart,
158.

Gore, Richard

arrival of, 141.

permission for, to settle in the colony, 29.

Gore, William (provost-marshal)

appointment of, as provost-marshal, 81.
duties of, 82.

government servants allowed to, 323.

memorial of, *re* his salary, 81, 82.

salary of, 71, 82, 190, 597.

Goulburn, Henry (under secretary)

letter from—

to Macquarie, Lachlan, 1, 27, 28, 29,
55, 57, 59, 70, 91, 92, 94, 95, 249,
437, 477, 478, 479, 604, 622, 624,
630, 633, 634, 648.

letter to—

from Beckett, J., 59, 249, 602, 622, 628.
from Harrison, George, 60, 137.

from Lushington, Stephen, 271, 603, 636,
646.

from Macquarie, Lachlan, 78, 138, 242,
251, 252, 374.

Governor Bligh, schooner

entry of, 199, 595.

fees paid on, 203, 204.

Governor Hunter, colonial vessel

entry of, 195, 199, 595.

sailing of, 195, 196, 199, 204, 596.

Governor Macquarie, brig

entry of, 595.

sailing of, 196, 596.

seamen of, impressed by Case, Wm., 62.

seizure—

of, by Case, Wm., 61 *et seq.*

of launch of, by Case, Wm., 54.

Governor's bodyguard

approval by Bathurst, Earl, of increased
establishment for, 133, 315.

return of, 191, 598.

Governor's Court

admission of Moore, W. H., as attorney in,
541.

appointment of transportees as officers of,
508.

denial by Bent, Ellis, of control of Mac-
quarie, L., in, 488, 541.

limitations of control of Macquarie, L.,
over, 541.

refusal of admission of ex-convicts as
attorneys in, 489, 508, 542.

rules and regulations of, 488, 541, 542.

Gray, Charles

salary of, as clerk in secretary's office, 190,
597.

Gregory, John

extra commissariat clerk, 190.

Greenshields, Andrew (lieutenant)

embarkation of, on transport *General Hewitt*,
163.

member of criminal court for trial of
McNaughton, A., and Connor, P., 7.

Grover, John

member of exploring party of Evans, G. W.,
177.

Gunning, George William (? Weston)

salary of, as inspector of works, 191.

Hacking, Henry

pilot for brig *Kangaroo* from Hobart to
Port Dalrymple, 443.

salary of, as superintendent at Hobart, 191.

Hall, Edward Smith

character of, 302.

memorial of, *re* New Zealand trading com-
pany, 561, 583 *et seq.*

Hall, Thomas

recommendation of, as a settler, 458.

Hall, Thomas, and Co.

owners of the ship *Minstrel*, 194.

Hamilton, Digby (major-general)

recommendation of Newsham, J., by, 635.

Hammant, Thomas

recommendation of, as a settler, 604.

Hankinson, James

extra commissariat clerk, 190.

Hannam, Reubin

petition of, for free passage for his wife and
family, 79.

transportation of, in *Admiral Gambier*, 78.

Happy Return, colonial vessel

sailing of, 196.

Harrington, Earl of

recommendation of Gore, William, by, 81.
service of Macquarie, L., on staff of, 397.

Harris, John (retired surgeon)

arrival of, 141.
examination of, *re* treatment of convicts on the *General Hewitt*, 248.
memorial of, to Bathurst, Earl, 56, 57.
purchase of provisions for brig *Kangaroo* from, 456.
services of, 56, 57.

Harrison, George (secretary)

letter from—
to Bunbury, H. E., 273.
to Goulburn, H., 60, 137.
letter to—
from Addington, H. J., 603.

Hartley, —

recommendation of, as a settler, 461.

Hartley, John

compensation—
accepted by, 262.
offered to, 179.
correspondence *re* claims of, 178 *et seq.*
departure of, in the brig *James Hay*, 262.
letter from—
to Macquarie, Lachlan, 179.
to Campbell, J. T., 180, 181, 182.
letter to—
from Campbell, J. T., 178, 180, 181, 182, 183.
refusal by, of compensation offered, 158, 182.
release given by, for all claims on government, 263.
request of, for free passage to England, 180, 181.

Hassall, Rowland

appointment of, as superintendent of public herds, 158.
salary of, 597.

Hatcher, John

master miller at Norfolk Island, 164.
recommendation of, by Hutchinson, Wm., 164.

Hawkesbury

criticism by Bathurst, Earl, on road from Sydney to, 132.
proposed attack of French expedition on settlements at, 76, 77.
returns—
of births, deaths, and marriages at, 205, 336, 597.
of inhabitants at, 186, 187.
of military at, 186.
of shipping to and from, 195, 196, 199, 200, 204, 595, 596.

Hawkesbury Packet, colonial vessel

entry of, 195, 199, 204, 595.
sailing of, 195, 196, 199, 200, 204, 595, 596.

Healey, Morris

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Hendrick, Abraham

deposition of, *re* voyage of brig *Daphne*, 107 *et seq.*, 115 *et seq.*
navigation of brig *Daphne* by, after the mutiny, 112, 114.

Henrietta, colonial vessel

arrival of, from Hobart, 86.
entry of, 195.
sailing of, 196.

Henry, William

appointment of, as magistrate at Otaheite, 96.
letter from—
to Macquarie, Lachlan, 100.
report by, on plot to massacre missionaries, 101.

Hibernia, brig

departure and particulars of, 589.
fees paid on, 335, 590.

Hill, William

salary of, as superintendent of slaughter-house, 598.

Hobart

See also "Tasmania."
alterations in civil establishment at, 135.
appointments of civil officers at, 126, 266, 267, 269.
arrival of ship *Eliza* from Mauritius at, 566.
civil court to be established at, 126.
contract for purchase of wheat at, 556.
court martial to be assembled at, under martial law, 567.
disapproval of military posts on overland route from Launceston to, 125.
female convicts sent to, 254.
frauds committed by Fosbrook, L., on commissariat at, 239.
importation—
of a steam-engine to, 478.
of spirits to, 556.
limestone discovered near, 159.
military garrison required at, 147.
naval officer appointed at, 158.
necessity for military posts on overland route from Launceston to, 306.
opening of port at, 463, 470.
proposal for establishment of a brewery at, 80.

Hobart

relief of detachment of 73rd regiment at, 120.

return—

of births, deaths, and marriages at, 597.

of civil officers at, 191, 598.

of inhabitants at, 188.

of shipping to and from, 195, 196, 199, 200, 204.

salary of acting lieutenant-governor at, 127.

seizure of schooner *Unity* by convicts at, 86, 160, 184, 185.

troops to embark on brig *Kangaroo* at, 443.

want of officers' quarters at, 463.

Hobby, Thomas

salary of, as assistant coroner, 597.

Hobson, Edward

commissariat clerk, 190.

Hogan, P. G.

deputy assistant commissary-general at Hobart, 191.

orders for, to proceed to Hobart, 122.

Hogur and Co.

owners of the *Betsey*, 591.

Holmes, H. (lieutenant)

embarkation of, on transport *General Hewitt*, 163.

Holness, Ann

evidence of, at trial of McNaughton, A., and Connor, P., 9, 10.

widow of Holness, William, 9.

Holness, William

murder of, by McNaughton, A., and Connor, P., 2.

post mortem examination of body of, 16 *et seq.*

proceedings at trial for murder of, 7 *et seq.*

Hook, Charles

sandal-wood imported by, 196.

Hoolaghan, Michael

free pardon for, 631.

pardon proposed for, 357.

proceedings at trial of, 357 *et seq.*

suspension of sentence on, 356, 357.

trial and conviction of, for murder, 356.

Hope, colonial vessel

entry of, 195, 199, 595.

sailing of, 196, 200, 204, 595.

Hopley, William (assist. surgeon)

appointment of, *vice* Bowden, M., 564.

salary of, 191, 598.

Horseley, —

arrival of, in the *Broxbornebury*, 296.

land grant promised to, 296.

Hospital, general

barter of spirits by contractors for, 132.

contract for erection of—

conclusion of, 310.

extension of privileges under, 310, 641.

infringement of, 309.

opposition of Messrs. Bent to location of court rooms at, 380 *et seq.*

preparation of court rooms at, 300.

requisition of drugs and stores for, 162.

wing of, to be used as court-house, 136.

Hospital, military

condition of, 152.

erection of, 152.

Hovell, W. H.

arrival of, as a free settler, 141.

memorial of, *re* New Zealand trading company, 561, 583 *et seq.*

Howard, Isaac

evidence of, at trial of Hoolaghan, M., and Suttar, A., 364.

Howard, Thomas

mistake in record of assignment of, 629.

Howe, George (govt. printer)

letter from—

to Macquarie, L., 606.

requisition by, for paper and printing materials, 605, 606.

salary of, as government printer, 190; 598.

sandal-wood imported by, 196.

Howe, J.

auction duties paid by, 203.

Howe, Michael

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Howe, William

recommendation of, as a settler, 633.

Hughes, Richard (transport surgeon)

examination of, *re* sickness and mortality of convicts on the *General Hewitt*, 244, 245 *et seq.*

ill-treatment of convicts by, 245, 277.

no gratuity allowed to, 649.

Humphrey, A. W. H.

destruction of property of, by bushrangers, 472, 473.

habits of, 158.

magistrate at Hobart, 473.

resignation of, as mineralogist, 158.

Humphries, Thomas

private in governor's bodyguard, 598.

Hunter, ship

deposition of Dillon, P., *re* visit of, to
Fiji islands, 103 *et seq.*

Hutchinson, A.

salary of, as superintendent of mills, 598.

Hutchinson, William

appointment of, as principal superintendent
of convicts, 143.
approval by Bathurst, Earl, of appointment
of, 640.
letter from—
to Macquarie, Lachlan, 164.
memorial of, *re* allowances, 323.
report by, on evacuation of Norfolk island,
164.
salary of, 598.
services of, in evacuation of Norfolk island,
143.

Hutchison, John

demands made by, 210, 214, 215, 217, 219.
discoveries alleged by, 213, 220 *et seq.*
failure of partnership of, with Lord, S.,
211, 216.
letter from—
to Campbell, J. T., 213, 216, 218, 219.
to Macquarie, Lachlan, 220.
letter to—
from Campbell, J. T., 212, 215, 217,
219, 220.
report—
by Macquarie, L., on incapacity of, 211.
by, on his researches, 220 *et seq.*
researches and reports to be made by, 212,
218.
servants and tools granted to, 219, 220.

I'Anson, William (assist. surgeon)

appointment of successor to, 126.

Ilai, island of

See "Fiji islands."

Importation

freedom of ports for, 128, 310, 463, 470.
spirits, duty to be levied on, 128, 310, 464,
471.

Improvement, colonial vessel

entry of, 195, 199, 595.
sailing of, 196, 204, 596.

Indefatigable, ship

arrival of, 553.
convicts *per*, 553.
despatch *per*, 139, 249, 252, 269, 270, 379.

Ingle, John

memorial of, soliciting a grant of land.
476. 477.

Invalid company

See "Veteran company."

Isabella, ship

wreck of, on Falkland islands, 124.

Italy

removal of restrictions on trade with, 249.

Jackson, Aaron

death of, from typhus fever on the *Surrey*,
280.

Jacobs, Messrs.

agents for Lord, Simeon, 583.
failure of, 583.

James Hay, brig

arrival—
and particulars of, 198.
of, at Eimeo, 100.
of, from Otaheite, 97.
cargo of, 198.
despatch *per*, 140, 209, 210, 235, 240, 241,
242, 244, 249, 251, 252, 253, 261,
265.
fees paid on, 200, 203, 204, 335.

Jamison, Sir John

applications made by, for land grants, 318.
arrival of, in the *Broxbornebury*, 296.
land grant promised to, 296.
letter from—
to Macquarie, Lachlan, 317.
member of governor's party on visit to
Bathurst plains, 570.
request of, for additional land grant, 317.

Jamison, Thomas (late prin. surgeon)

pension for widow of, 95.

Jansen, —

See "Jorgensen, Jorgen."

Jefferson, ship

arrival and particulars of, 588.
cargo of, 588, 592.
departure and particulars of, 592.
fees paid on, 590, 593.

Jeffreys, Charles (lieutenant, R.N.)

arrival of, 140.
bills drawn by, for expenses of the brig
Kangaroo, 456, 457.
dismissal of, proposed, 441.
disobedience by, of orders *re* his wife, 562.
explanations of, *re* delay in voyage of brig
Kangaroo to Tasmania, 440, 441, 447
et seq.

Jeffreys, Charles (lieutenant, R.N.)

instructions to, from Davey, Thomas, *re* movements of brig *Kangaroo*, 443 *et seq.*

letter from—

to Campbell, J. T., 447, 451, 455.

to Davey, Thomas, 444, 446.

to Macquarie, Lachlan, 123.

letter to—

from Campbell, J. T., 447, 449, 454.

from Davey, Thomas, 443, 444, 445, 446.

overland journey of, from Hobart to Launceston, 450, 453.

refusal of, to carry military and grain in bulk on the *Kangaroo*, 450, 452.

report by, on voyage of brig *Kangaroo*, 123. salary of, 457.

seamanship of, 442.

superintendence by, of repairs to *General Hewitt* and *Windham*, 141.

Jeffries, J. P.

eye-witness of seizure of brig *Governor Macquarie*, 67.

master of the *Arch Duke Charles*, 67, 194.

Jenkins, Robert

auction duties paid by, 593.

John Palmer, colonial vessel

entry of, 595.

sailing of, 596.

Johnson, —

See "Jorgensen, Jorgen."

Johnston, George

appointment of, as commissariat clerk, 157, 257.

son of Johnston, G., late lieut.-colonel, 157.

Johnston, George (late lieut.-colonel)

report by Macquarie, L., on conduct of, 242.

Johnstone, J. (captain, R.N.)

certificate of, *re* escaped convicts, 90.

convicts escaped from Norfolk island taken in charge by, 85.

Jones, George

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Jones, John

deposition of, *re* voyage of brig *Daphne*, 110, 114.

Jones, Robert

memorial of, *re* allowances, 323.

salary of, as assist. superintendent of police, 190, 597.

Jorgensen, Jorgen

criticism of Macquarie, L., on remarks by, 241.

master's mate on the *Lady Nelson*, 72.

report by, of proposed French attack on the colony, 73 *et seq.*

Josephs, Joel

evidence of, at trial of McNaughton, A., and Connor, P., 10, 11.

Joymen, J.

See "Jorgensen, Jorgen."

Kangaroo

specimens of female organs of, required by royal college of surgeons, 387.

Kangaroo, H.M. brig

accommodation for passengers on, 455.

arrival of, 119, 140.

bills drawn for expenses of, 456.

build of, adverse criticism of, 439.

carrying capacity of, 444, 452.

delay in fitting of, 127.

duration of voyage of, to Tasmania, 440, 448.

employment of, in evacuation of Norfolk island, 120, 143, 164, 439.

establishment—

of, 438, 457.

of, proposed changes in, 441.

expenditure annually on, 439, 457.

failure of, to make voyage to Hobart, 439.

female convicts sent to Hobart on, 254.

military guard and prisoners on, 445.

prolonged voyage of, from Port Dalrymple to Sydney, 450, 453.

protracted voyage of, from England, 119, 123, 439.

provisions required annually for, 457.

return of, to England, proposed, 442, 563.

sailing capabilities of, 453.

services required of, 438.

spirits to be issued at Hobart for use of, 445.

status of, 451, 453.

unsuitability of, for colonial service, 441.

voyage of—

to Ceylon with troops, 562.

to Tasmania and back, 440, 448.

Kelly, —

proposed participation of, in French expedition against colony, 76.

Kelly, J.

master of the ship *Mary and Sally*, 194.

Kempney, George

coxswain at Norfolk island, 164.

recommendation of, by Hutchinson, Wm., 164.

Kempson, Thomas

private in governor's bodyguard, 191.

Kendall, —

arrival of, as free settler, 141.

Kenny, William (captain)

embarkation of, on transport *Windham*, 163.
salary of, as barrack master, 191.

Kilpatrick and Co.

owners of the *General Browne*, 591, 592.

Kilpatrick, J.

master of the *General Browne*, 591, 592.

King George, ship

entry of, 199, 595.

King, Joseph

evidence of, at trial of Hoolaghan, M., and Suttar, A., 363.
private in 73rd regiment, 363.

King, Philip Gidley (ex-governor)

admission by, of Crossley, George, as attorney, 500, 501, 504.
breach of instructions by, 645.
land granted by, to Bligh, Wm., 338 *et seq.*, 645.
lease granted by, to Palmer, John, 340, 342.

King's Table Land

visit to and naming of, by Macquarie, L., 571.

Kissarky, Christian

murder of, by mutineers on the brig *Daphne*, 109, 114, 117.

Knopwood, Reverend Robert

appointment of assistant to, proposed, 126.
salary—
of, 598.
of, to be increased, 126.

Lachlan river

discovery of, by Evans, G. W., 615.
examination of, by Evans, G. W., 615, 616, 617.
naming of, by Evans, G. W., 617.

Lackerstren and Co.

owners of the brig *Morning Star*, 589.

Lady Nelson, brig

condition of, 438.
employment of, in evacuation of Norfolk island, 120.
employment on—
of Bruce, George, 92.
of Jorgensen, Jorgen, 72.
voyage of Te-pahi to New Zealand in, 92.

Lambress, Robert

attestation of petition by, 354.
petition for salvage of agent for, 352 *et seq.*
recaptor of ship *Seringapatam*, 354.

Land grants

approval by Bathurst, Earl, of conditions inserted in, 129.
instructions to Macquarie, L., *re* reserves between, 637, 638.
instructions requested *re*, to military, 5.
order for—
to Abbott, Edward, 266.
to Bourdillon, —, 633.
to Brooks, Richard, 27.
to Faultless, John, 28.
to Fryett, R. W., 634.
to Hall, Thomas, 458.
to Hammant, Thomas, 604.
to Hartley, —, 461.
to Horseley, —, 296.
to Howe, William, 633.
to Jamison, Sir John, 296.
to Lang, Walter, 478.
to Piper, John, 29.
to Smith, J., 270.
to Thrupp, Alfred, 29.
to West, Major, 378.
to White, Andrew, 384.
to Williams, George, 296.
to Wilson, William, 270.
proposed increase—
of quit rents on, 136, 304, 328 *et seq.*
of survey fees on, 162, 208, 645.
refusal by Macquarie, L., of, to military, 4.
to—
Bent, Ellis, 389.
Birch, Mrs., 4.
Bligh, William, 339.
Dickson, John, 159.
Geils, Mrs., 4.
Lord, Edward, 160.
O'Connell, M. C., 4.
values of—
capital, 329.
rental, 328.
withholding of, in west of Blue Mountains, 558, 576.

Land leases

to Palmer, John, 340, 342.

Lang, Walter

importation of a steam-engine by, 478.
recommendation of, for a land grant, 478.

Langan, Thomas

mistake in certificate of sentence of, 273.
transportation of, 272.

Langley, David

memorial of, *re* allowances, 323.
salary of, as superintendent of smiths, 191, 598.

Larkin, Samuel

storekeeper, 190.

Larra, James

auction duties paid by, 203.

Law courts

See "Court-house," "Courts of Law."

Lawson, George

private in governor's bodyguard, 191, 598.

Lawson, William (lieutenant)

limits of exploration of, 167, 572.
member of criminal court for trial of
McNaughton, A., and Connor, P., 7.
naming of hill by Evans, G. W., after, 167.
passage of Blue Mountains accomplished by, 569.
permission for return of, to the colony after
deposition of Bligh, Wm., 243.

Lazeroff, M.

master of the *General Suwarrow*, 588, 589.

Lee, John

proclamation of conditional amnesty for, as
bushranger, 264 *et seq.*

Leech, John

See "Dawson Robert."

Lefevre, count

information *re* colony acquired by, 75.

Legg, Thomas

memorial of, *re* allowances, 323.
salary of, as superintendent of bricklayers,
191, 598.

Leith, William

losses sustained through misconduct of, 583.
manager of trading venture in New Zealand,
583.

Lewin, John William

recommendation of Hannam, R., by, 80.
salary of, as coroner, 190, 597.

Lewis, Richard

member of exploring party of Evans, G. W.,
177.
salary of, as superintendent of new road,
598.

Lightfoot, Samuel

overseer at Hobart, 191.

Linley, David

recommendation of case of, 388.
transportation of, 388.

Live stock

mortality amongst, through droughts, 121.
returns of, 189, 601.
wild cattle—
instructions for preservation of, by
Bathurst, Earl, 640.
problems connected with, 150, 151.
slaughtering of, proposed, 295.
taming of, proposed, 151.

Liverpool

chaplain required at, 154.
construction of road from—
to Parramatta, 152.
to Sydney, 152.
military guard required at, 148.
returns—
of agriculture at, 601.
of births, deaths, and marriages at, 597.
of inhabitants at, 186, 187, 600.
of live stock at, 601.
of military at, 186.
school-house erected at, 154.
schoolmaster required at, 154.
turnpike to be erected near, 152.

Lloyd's underwriters

agent for, 587.

Loane, R. W., and Co.

owners of the schooner *Derwent*, 588, 589.

Long, Charles

letter from—
to treasury, commissioners of, 271.

Lord, Edward (late lieutenant of marines)

contract with, for purchase of wheat at
Hobart, 556.
land granted to, 160, 318.
owner of the brig *Spring*, 588, 589.
refusal of applications of, for additional
grant, 160, 644.

Lord, Simeon

commercial speculations of, in New Zea-
land, 583.
failure of partnership of, with Hutchison,
John, 211.
impounding of property of Hutchison, John,
by, 216.
member of bench of magistrates, 400.
memorial of, *re* New Zealand trading com-
pany, 561, 583 *et seq.*
speculation of, in the ship *Boyd*, 583.

Lord, Simeon, and Co.

owners of the brig *James Hay*, 198.

Lucas, Nathaniel

memorial of, *re* allowances, 323.
salary of, as superintendent of carpenters, 191.

Lundin, Richard (lieutenant)

arrival of, in London with despatches, 124.

Lushington, Stephen (secretary)

letter from—
to Bunbury, H. E., 379.
to Goulburn, H., 271, 603, 636, 646.

Luttrell, Edward (assist. surgeon)

claims of, for attendance on military, 155.
evidence of, at trial of McNaughton, A., and Connor, P., 18.
government servants allowed to, 323.
inquiry held by, *re* treatment of convicts on the *General Hewitt*, 244 *et seq.*
letter from—
to Campbell, J. T., 244.
memorial of, *re* conditions of service, 324.
neglect of duties by, 155.
salary of, as assistant surgeon, 190, 597.

Luttrell, T. J. (commissioner of customs)

duty proposed by, on importation of wool from N.S.W. to England, 138.

Lyttleton, William H.

salary of, as naval officer at Port Dalrymple, 192.

MacCallum and Co.

owners of the *Marquess of Wellington*, 591.

MacIntosh, William

evidence of, at trial of McNaughton, A., and Connor, P., 25.

Maclaine, John (lieutenant)

aide-de-camp to Macquarie, L., 162.
despatches entrusted to, 162.
salary of, as aide-de-camp, 191.

Macquarie, Charles (lieut.-colonel)

recommendation of, by Macquarie, L., as lieutenant-governor, 83, 84.

Macquarie island

return of shipping to and from, 595.

Macquarie, Lachlan (governor)

advocacy of, for colonial allowances for military, 375.
alleged interference by, with judicial administration, 515, 519, 538.
appointment by, of magistrate at Otaheite, 96.

Macquarie, Lachlan (governor)

approval by Bathurst, Earl, of administration of, 638.
bartering of spirits by, 132.
codification of port regulations in England requested by, 399.
complaint to be made by Bent, Ellis, against, 399.
correspondence with Bent, J. H., discontinued by, 540.
criticism by—
of appointment of Abbott, Edward, to Tasmania, 307.
of delay of supreme court in dispatching business, 534.
of land grants made by King, P. G., 338 *et seq.*
of lease granted to Palmer, J., by King, P. G., 340 *et seq.*
of proposed increase of quit rents, 304.
of remarks by Jorgensen, J., 241.
on statements by Bruce, George, 251.
of verdict of criminal court in trial of McNaughton, A., and Connor, P., 3, 5 *et seq.*
diffidence of, in making adverse comments on Bligh, W., and King, P. G., 338.
disapproval from Bathurst, Earl, of extension of hospital contract by, 641.
“gentlemen settlers” defined by, 303.
instructions to—
for exploration of the Macquarie river, 639, 640.
for preservation of wild cattle, 640.
re certificates for transport surgeons, 649.
re land grants and crown reserves, 637, 638.
re trading of foreign vessels, 648.
intercourse of, with natives at Bathurst, 609.
land grants to military refused by, 4, 5.
letter from—
to Allan, D., 550.
to Bathurst, Earl, 1, 57, 61, 70, 77, 80, 83, 84, 96, 118, 140, 209, 210, 235, 240, 241, 249, 253, 261, 265, 293, 326, 338, 356, 367, 375, 380, 385, 389, 425, 437, 458, 461, 479, 542, 553, 604, 608, 619, 620.
to Bent, Ellis, 409, 541.
to Bent, Jeffery Hart, 489, 534, 540.
to Butcher, J. B., 53, 54.
to Case, William, 37, 43, 45, 46, 48, 65, 68.
to commissioners of admiralty, 350.
to commissioners of transport, 244, 274.
to Croker, secretary, 30.
to Goulburn, under secretary, 78, 138, 242, 251, 252, 374.
to Thomas, William, 53.
to Torrens, major-general, 375.

Macquarie, Lachlan (governor)

letter to—

from Allan, D., 546.

from Barrow, John, 389.

from Bathurst, Earl, 55, 60, 71, 72, 124,
135, 136, 137, 139, 249, 252, 266,
268, 269, 270, 273, 378, 379, 383,
387, 388, 436, 458, 461, 478, 553,
602, 603, 622, 624, 627, 630, 631,
633, 634, 636, 637, 638, 646, 648,
649.

from Bent, Ellis, 236, 400, 422, 541.

from Bent, Jeffery Hart, 495, 536.

from Blaxcell, Garnham, 54.

from Blaxland, John, 428, 433.

from Broughton, William, 509, 527, 529,
608.from Bunbury, major-general, 269, 270,
272, 384, 385, 476, 632.

from Butcher, J. B., 52, 53.

from Case, William, 41, 42, 44, 46, 48,
66.

from commissioners of transport, 387.

from Davey, Thomas, 472, 566.

from Davies, John, 102.

from Drummond, John, 469.

from Evans, G. W., 474.

from Gordon, Adam, 379.

from Goulburn, under secretary, 1, 27,
28, 29, 55, 57, 59, 70, 91, 92, 94,
95, 249, 437, 477, 478, 479, 604,
622, 624, 630, 633, 634, 648.

from Hartley, John, 179.

from Henry, W., 100.

from Howe, George, 606.

from Hutchinson, William, 164.

from Hutchison, John, 220.

from Jamison, Sir John, 317.

from Jeffreys, C., 123.

from Marsden, Rev. Samuel, 576.

from Mathew, D. D., 178.

from Molle, G., 183, 376.

from Oxley, John, 206, 207, 328, 331,
607.

from Redfern, William, 275.

from Riley, Alexander, 509, 527, 529.

from Shelley, William, 370, 371.

from Thomas, William, 52.

location of court rooms in general hospital
by, 380 *et seq.*

memorial to—

from Crossley, George, 491 *et seq.*, 503
*et seq.*from Eagar, Edward, 493 *et seq.*

from Hannam, Reubin, 79.

from medical officers, 324.

from subordinate civil officers, 323.

method to be adopted for payment of salary
of, 603, 604.name proposed by, for country west of
Blue Mountains, 150.**Macquarie, Lachlan (governor)**offence taken by Bent, Ellis, at actions of,
391.

opposition—

to any interference of, by Bent, J. H.,
537.of Bent, Ellis and J. H., to administration
of, 620.

to government of, 135, 315.

orders from, to Bent, J. H., to make re-
ports, 536.

policy of, criticised by Bent, Ellis, 391.

port regulations, draft of, by, 411 *et seq.*precautions to be taken by, against hostile
invasion, 241.proclamations by, *re*—bond for shipping trading to South Seas,
98 *et seq.*conditional amnesty for bushrangers, 264
et seq.

prohibition—

by, of alterations in church service, 337,
338.by, of officers absenting themselves with-
out leave, 393.

principles of, in his public conduct, 397.

proposal of—

for appointment of a colonial secretary,
469.for encouragement of surgeons as free
settlers, 155.for establishment of a distillery, 147,
151, 308, 309.for establishment of native institution,
369 *et seq.*

for explorations in the west, 610.

for increase of military garrison, 147,
148.for precautions against hostile invasion,
148.for prohibition to naval officers *re* press-
ing of seamen, 32, 62.for prohibition of trading by civil officials,
59, 156.

for removal of 73rd regiment, 4.

for restriction of free passages to wives of
convicts, 296.for settlement of country west of Blue
Mountains, 559.

for suspension of Bent, Ellis, 398.

for taming of wild cattle, 151.

recommendation by—

of applications from attorneys for admis-
sion to supreme court, 482, 489 *et*
*seq.*for building of two brigs for colonial
service, 438.of Foveaux, J., as lieutenant-governor,
242, 243.

Macquarie, Lachlan (governor)

- refusal—
 - by, of correspondence with Blaxland, J., 434.
 - of intercourse with, by Bent, Ellis, 392.
 - of Bent, Ellis, to obey orders of, 393.
- remarks by, on observations of Bent, Ellis, *re* proposed port regulations, 401 *et seq.*, 410.
- removal of Bent, Ellis and J. H., proposed by, 621.
- report by—
 - on aborigines, characters and habits of, 367 *et seq.*
 - on admission of ex-convicts as attorneys of supreme court, 480 *et seq.*
 - on allowances to civil servants by government, 297 *et seq.*
 - on brig *Governor Macquarie*, seizure of, by Case, Wm., 61 *et seq.*
 - on brigs *Kangaroo* and *Emu*, expenditure and establishment of, 437 *et seq.*
 - on Davey, T., misconduct and maladministration of, 242, 458 *et seq.*, 555 *et seq.*
 - on good conduct of Johnston, G., late lieut.-colonel, 242.
 - on his visit to Bathurst plains, 557, 558, 568 *et seq.*
 - on increased expenditure, 294.
 - on misconduct of Case, Wm., and his officers, 30 *et seq.*
 - on port regulations, refusal of Bent, Ellis, to frame, 389 *et seq.*
 - on researches into natural products by Hutchison, John, 210 *et seq.*
 - on trial of McNaughton, A., and Connor, P., 2 *et seq.*
- repudiation—
 - by Case, Wm., of authority of, over ships of war, 66.
 - of all claims of Blaxland, J., by, 431.
 - of control of, in supreme court, by Bent, J. H., 487, 537, 539.
 - of control of, in governor's court by Bent, Ellis, 488, 541.
- resignation, qualified, of, 621.
- return of brigs *Kangaroo* and *Emu* to England proposed by, 442.
- salary of, 190, 597.
- services of, in the army, 397.
- treatment by, of emancipists and expirees criticised by Bathurst, Earl, 134, 315.
- visit to Bathurst plains proposed by, 150, 315, 468.

Macquarie river

- completion of road from Nepean river to, 467.
- difficulties in navigation of, 574.
- discovery and naming of, by Evans, G. W., 170, 171.
- instructions from Bathurst, Earl, for exploration of, 639, 640.
- proposed exploration of, 468.
- surprise in England at discovery of, 639.
- visit of Macquarie, L., to, 573 *et seq.*

Madeira

- visit of H.M. brig *Kangaroo* to, 123.

Main, Anne

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 360.

Main, Edward

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 358.

Manby, John

- salary of, as overseer at Hobart, 191.

Mandagery creek

- tree marked at, by Evans, G. W., 616.
- visit of Evans, G. W., to, 616.

Mangles, Messrs.

- owners of the *Surrey*, 588, 592.

"Manna"

- discovery of, by Evans, G. W., 609, 610, 613.

Mansel, William Hobart

- application of, for compensation for loss of brig *Unity*, 160, 184, 185.
- losses sustained by, through seizure of schooner *Unity* by convicts, 86, 160, 185.
- owner of schooner *Unity*, 86.
- refusal of compensation to, 644, 646.

Mansfield, Earl of (lord chief justice)

- ruling of, *re* attorneys, 498.

Manufactory

- erection of machinery for, 228, 229.
- failure of partnership of Lord, S., and Hutchison, J., in, for cloth and pottery, 211.

Marines

- settlement of, in Tasmania, 127.

Market

- shipment of scales and measures for, 91.
- want of, for grain, 58.

Market values

- of cloth and blankets, 229, 377.
- of grain, 58, 122, 144.
- of land, 135, 136, 329.
- of rents, 328.
- of wheat, 58, 144, 145.
- of wool, 228.

Marquess of Wellington, ship

- arrival—
 - and particulars of, 591.
 - of, 462.
- cargo of, 591.
- despatch *per*, 268, 269, 389, 425, 437, 458, 461.
- fees and duties paid on, 594.

Marquesas islands

- recapture of the *Seringapatam* at, 313, 350, 352, 588.

Marsden, Reverend Samuel

- departure of, for New Zealand, 561.
- evidence of, at trial of McNaughton, A., and Connor, P., 26.
- innovations in church service by, 336 *et seq.*
- leave of absence to, for visit to New Zealand, 561.
- letter from—
 - to Macquarie, Lachlan, 576.
- prohibition of alterations in church service by, 637.
- refusal of, to read general order *re* supply of grain to settlers in church, 255, 256.
- religious opinions of, 337.
- report by, of his visit to New Zealand on brig *Active*, 576 *et seq.*
- salary of, 190, 597.

Martin, —

- arrival of, as a free settler, 141.

Martin, —

- payments made to, on brig *Kangaroo*, 456.

Martin, George (assist, surgeon, 73rd regt.)

- embarkation of, on transport *Earl Spencer*, 124, 163.
- evidence of, at trial of McNaughton, A., and Connor, P., 17, 25.

Martin, Mrs.

- salary of, as government housekeeper at Parramatta, 598.

Mary, colonial vessel

- entry of, 199, 204, 595.
- sailing of, 199, 200, 204, 595, 596.

Mary, ship

- arrival of, in the river Thames, 71.

Mary and Sally, ship

- departure and particulars of, 194.
- fees paid on, 196.

Mary Anne, colonial vessel

- entry of, 195, 204, 595.
- sailing of, 195, 196, 199, 200, 204, 596.

Mary Anne, ship

- convicts *per*, 624.
- despatch *per*, 604, 624, 627.

Massey, Thomas

- salary of, as superintendent at Port Dalrymple, 192, 598.

Matavai

See "Otaheite."

Mathew, Daniel Dering

- letter from—
 - to Macquarie, Lachlan, 178.
- plans and estimates of, for a court-house, 153, 178.
- virtualling of, and family by government, 302.

Maum, —

- examination of, *re* administration of Fosbrook, Leonard, 237.

McCarthy, Dennis

- salary of, as superintendent of stock at Hobart, 191.

McGillicuddy, — (corporal)

- services of, in evacuation of Norfolk Island, 164.

McIntosh, Charles

- appointment of, as barrack master at Sydney, 158.
- salary of, 598.

McIntyre, John

- mistake in record of assignment of, 629.

McKenzie, John

- owner of the brig *Favourite*, 193, 198.

McKenzie, John (major)

- commandant at Port Dalrymple, 444, 598.
- summons to Hobart of, to sit on court martial under martial law, 566, 567.

McMahon, Patrick

- evidence of, at trial of McNaughton, A., and Connor, P., 21.

McNab, John

- appointment of, as clerk of court in Tasmania, 266.

McNaughton, Archibald (lieutenant)

embarkation of, on transport *Earl Spencer*, 124, 163.

murder of Holness, William, by, 2.

proceedings at trial of, for murder, 7 *et seq.*

public censure of, by Macquarie, L., 6.

McQueen, John

pardon for, 602.

McQueen, Thomas

salary of, as schoolmaster at Port Dalrymple, 192, 598.

McTaggart, J.

owner of the ship *General Hewitt*, 201.

Meehan, James (deputy surveyor-general)

appointment of—

as collector of quit rents, 304.

as deputy surveyor, 305.

government servants allowed to, 323.

salary of, 190, 597.

superintendent of roads and bridges, 305.

Mellow, John

landing of, by mutineers on brig *Daphne*, 109.

Mestaers, Peter

owner of the ship *Fortune*, 194.

Middleton, T. William

extra commissariat clerk, 190.

Mileham, James (assist. surgeon)

memorial of, *re* conditions of service, 324 *et seq.*

salary of, 190, 597.

Miller, —

arrival of, as a free settler, 141.

Miller, Thomas (lieutenant)

member of criminal court at trial of Hoolaghan, M., and Suttar, A., 357.

Mills, Peter

carriage of, to Sydney *per* brig *Kangaroo*, 452.

late acting deputy-surveyor at Port Dalrymple, 250.

leader of marauding bushrangers, 250.

proclamation of conditional amnesty for, 264 *et seq.*

witnesses required by, 452.

Mills, Thomas

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Milsom (Millsom or Millson), John

escape of, from Norfolk island in whaler *New Zealander*, 84, 85, 87 *et seq.*

Minstrel, ship

cargo of, 194.

departure and particulars of, 194.

fees paid on, 196, 197.

Minto, Earl

treatment of Bruce, George, by, 93.

Mitchell & Co.

owners of the ship *Earl Spencer*, 198, 202.

Mitchell, W.

master of the ship *Earl Spencer*, 198, 202.

Molle, George (lieut.-governor)

additional salary for, 133, 311.

appointment of, as lieutenant-governor, 71, 133.

arrival of, 140.

commission for, as lieutenant-governor, 71.

delay in reading commission of, 143.

government servants allowed to, 323.

letter from—

to Macquarie, Lachlan, 183, 376.

memorial of, to York, Duke of, for colonial military allowances, 376 *et seq.*

payment of salary of, 159, 183, 184.

recommendation of Newsham, J., by, 635.

salary of, 597.

Moor, H.

master and owner of the ship *Wanstead*, 201, 202.

Moore, George

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Moore, Henry, and Co.

owners of the ship *Archduke Charles*, 194.

Moore, Thomas

survey of brig *Emu* by, 586, 587.

Moore, William Henry

admission of, to practise as attorney—

in the governor's court, 541.

in the supreme court, 514.

appointment of, as solicitor, on recommendation of Bent, J. H., 139, 268.

arrival of, 462.

passenger *per* *Marquess of Wellington*, 268.

salary of, 268, 597.

Morning Star, brig

departure and particulars of, 589.

fees and duties paid on, 335, 336.

fees paid on, 590.

Morris, Joseph

master of the whaler *Atalanta*, 80, 193, 194.
proposal by, for establishment of a brewery
and distillery, 80.

Morrison, Hans (lieutenant)

member of criminal court at trial of Hoola-
ghan, M., and Suttar, A., 357.

Morrison, James

attestation of petition by, 354.
petition for salvage of agent for, 352 *et seq.*
recaptor of the ship *Seringapatam*, 354.

Mount Pleasant

discovery and naming of, by Evans, G. W.,
171.
distance from Sydney to, 558.

Mount York

naming of, by Macquarie, L., 572.

Mountgarrett, Jacob (surgeon)

salary of, 192, 598.

Moy Anger (Maori)

meeting of, with Marsden, Rev. S., 578.

Mulgoa

selection of land by Blaxland, J., at, 432.

Murphy, Martin (lieutenant)

embarkation of, on transport *Earl Spencer*,
124, 163.

Murray, Joseph

evidence of, at trial of McNaughton, A.,
and Connor, P., 21, 22.

Murray, Robert

importation of spirits by, 556.
master and owner of ship *Eliza*, 193, 194,
556, 566, 589.
purchase of spirits from, by Davey, T., 567.

Napoleon I. (emperor)

report of proposed attack by, on the colony,
72 *et seq.*, 241.
reports of Baudin, commodore, submitted
to, 75.

Napper, James (surgeon, R.N.)

bills drawn by, for personal pay, 456.
expenditure on sick quarters for, 457.
overland journey of, from Hobart to Laun-
ceston, 450, 453.
salary of, 457.
surgeon of the brig *Kangaroo*, 450.

Nash, —

command of the *Surrey* assumed by, 281.

Native institution

See under "Aborigines."

Natives

See "Aborigines."

Naturaliste, brig

visit of, to Port Jackson, 74, 241.

Nepean river

ford on, *see* "Emu ford."

Neutral bay

foreign vessels to be detained at, 413.

New South Wales

commercial advantages of settlements in, 73
et seq.
convicts to be transported from Cape of
Good Hope to, 633.
duties proposed on importation of wool
from, into England, 137, 138.
extension of settlements in, 331, 332.
inadequacy of military force for defence of,
241.
information *re*, procured by Baudin, commo-
dore, and Lefevre, count, 75.
no augmentation of military forces to be
made in, 642.
report of proposed French attack on settle-
ments in, 73 *et seq.*, 241.
researches into natural products of, 210
et seq.

New South Wales Corps

See "Regiment, 102nd."

New Zealand

arrival of—
the *Active* from, 595.
the *Governor Bligh* from, 199, 595.
the *Perseverance* from, 195.
bond required from shipping trading in, 99,
100.
departure of Marsden, Rev. S., for, 561.
massacre of crew of the *Boyd* at, 94, 577,
583.
petition from merchants to establish a fac-
tory in, 561, 583 *et seq.*
presents from Macquarie, L., to chiefs of,
561.
proposal for a trading company at, 561,
583 *et seq.*
report by Marsden, Rev. S., on his visit
to, in the brig *Active*, 576 *et seq.*
return of Te-pahi to, 92.
sojourn of Bruce, George, in, 93, 94, 251,
252.
trading ventures in, 583.
treatment received by Marsden, Rev. S., in,
561.
visit of—
brig *Daphne* to, 107.

New Zealander, whaler

- departure of, from Norfolk Island, 88.
- escape of convicts from Norfolk Island in, 84, 85, 87 *et seq.*
- list of convicts who escaped in, 87.

Newcastle

- annual shipment of coal to Calcutta from, 159.
- commandant at, 191, 598.
- military garrison required at, 147.
- returns—
 - of agriculture at, 601.
 - of inhabitants at, 186, 187, 599, 600.
 - of military at, 186, 599.
 - of live stock at, 601.
 - of shipping to and from, 195, 196, 199, 200, 204, 595, 596.
- seizure of sloop *Speedwell* by convicts at, 250.
- surgeon at, 323.

Newman, Henry

- private in governor's bodyguard, 598.

Newsham, Joseph

- certificates in favour of, 635.
- pardon proposed for, 635.

Nicholls, John

- private of guard on brig *Kangaroo*, 445.

Nichols, Isaac (prin. superintendent)

- arrival of brother of, 141.
- free passage to be provided for brothers of, 133.
- principal superintendent of convicts, 80.
- recommendation of Hannam, Reubin, by, 80.
- resignation of, as principal superintendent, 143.
- salary of, 191.

Nichols, Morris

- arrival of, *per* ship *Northampton*, 554.

Norfolk island

- completion of evacuation of, 143.
- departure of whaler *New Zealander* from, 88.
- employment of brig *Kangaroo* in evacuation of, 120, 143, 164, 439.
- escape of convicts in whaler *New Zealander* from, 84, 85, 87 *et seq.*
- evacuation of, arrangements for, 120, 127.
- liquidation of claims of settlers from, 144.
- report by Hutchinson, Wm., on evacuation of, 164.
- services of Hutchinson, Wm., at, 143.
- testimony in favour of old government employees at, 164.

Norman, —

- chief mate of ship *Hunter*, 104.

Norris, Eleanor

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 362.

Norris, John

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 365.

Northampton, ship

- arrival of, 553.
- convicts *per*, 553, 634.
- despatch *per*, 272, 273, 384, 385.

Oakes, Francis

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 364.
- salary of—
 - as chief constable, 191.
 - as superintendent, 598.

Ocean, ship

- convicts *per*, 632.
- despatch *per*, 630, 631, 632.

O'Connell, Maurice Charles (lieut.-governor)

- departure of, in transport *General Hewitt*, 142, 163.
- land granted to, 4.
- marriage of, to Putland, Mrs. Mary, 4, 83.
- orders for departure of, 133.
- party spirit fostered by wife of, 83, 84.
- removal of, proposed by Macquarie, L., 84.
- salary of, as lieutenant-governor, 190.
- unsuitability of, as lieutenant-governor of Tasmania, 460, 461.

Ogelvie, A. (major)

- president of court martial on Fosbrook, L., 240.

O'Hearne (or O'Hearen), John

- memorial of, *re* allowances, 323.
- salary of—
 - as assistant to artillery officer, 191, 598.
 - as superintendent of masons, 190.

Orders, government and general, re

- abolition of government retail stores, 471, 472.
- absence of civil officers without leave, 400.
- continuance of servants and allowances to subordinate civil officers, 320, 321.
- duty on and bonding of spirits, 471.
- issues from public stores, 259.
- murder of Holness, William, 5 *et seq.*
- opening of ports for trade and commerce, 470.

Orders, government and general, re

- participation of officials in trade, 260.
- regulations for issue of store receipts, 545.
- supply of grain by settlers to public stores, 257 *et seq.*
- tour of Macquarie, L., to Bathurst plains, 568.
- withdrawal of servants and allowances for civil officers, 319, 320.

Otaheite

- appointment by Macquarie, L., of magistrate at, 96.
- arrival from—
 - of brig *James Hay*, 97.
 - of the *Daphne*, 199.
 - of the *Governor Macquarie*, 196.
 - of the *Queen Charlotte*, 204.
- bond required from shipping trading with, 99, 100.
- execution of lascar by Walker, T., at, 97, 101, 110, 113, 114, 116, 117.
- recapture of the *Daphne* at, 97, 101, 103, 110, 112, 114, 116, 117.
- sailing of the *Governor Macquarie* for, 596.

Owhyhee

See "Sandwich islands."

Oxley, John (surveyor-general)

- application of—
 - for assistance, 331, 332.
 - for forage allowance and increased survey fees, 162, 207 *et seq.*, 645.
- duties of, 305, 331.
- expenses of, 208.
- government servants allowed to, 323.
- letter from—
 - to Macquarie, Lachlan, 206, 207, 328, 331, 607.
- member of governor's party on visit to Bathurst plains, 570.
- proposed employment of, for admiralty surveys, 133, 305, 332.
- report by, on increase of quit rents, 304, 328 *et seq.*
- requisition by, for paper and surveyor's instruments, 605, 607.
- salary of, 190, 597.
- surveyor's instrument required by, 161, 206, 605, 607.

Paint

- experiments by Hutchison, J., in manufacture of, 233 *et seq.*

Palliser islands

- visit of brig *Daphne* to, 115.

Palmer and Co.

- owners of the ship *Frederick*, 589.

Palmer, George Thomas

- resignation of, as superintendent of government herds, 158.
- salary of—
 - as acting provost-marshal, 71.
 - as superintendent of stock, 190.

Palmer, John (assistant commissary-general)

- arrival of, in the *Three Bees*, 254.
- compensation offered for lease of, 340, 343.
- correspondence *re* surrender of lease of, 342 *et seq.*
- deed of lease to, 342.
- departure of, from England, 129.
- land leased to, by King, P. G., 340, 343.
- lease of, transferred to creditors of, 340, 346.
- notice to quit served on agent for creditors of, 340, 343, 345.
- services of, 347, 349.

Palmerstone islands

- murder of Europeans at, 107.

Pamoritu islands

- visit of brig *Daphne* to, 108.

Paper

- experiments by Hutchison, J., in manufacture of, 230 *et seq.*

Parker, William

- master of whaler *Phoenix*, 194.

Parliament, English

- speech at opening of, 92.

Parr, T. William

- extra commissariat clerk, 190.

Parramatta

- civil officials at, 191.
- commandant at, 191.
- construction of road from, to Liverpool, 152.
- erection of turnpike near, 152.
- land granted to Bligh, Wm., at, 339.
- military guard required at, 148.
- proposed road from, to Emu ford, 152.
- returns—
 - of agriculture at, 601.
 - of births, deaths, and marriages at, 205, 336, 597.
 - of inhabitants at, 186, 187, 599, 600.
 - of live stock at, 601.
 - of military at, 186, 599.
- shipment of tools for manufactory at, 91.

Parsons, Thomas

- commissariat messenger, 190.

Patent offices

- statute relating to, 379.

Paterson, —

death of, from typhus fever, 281.
 master of the transport *Surrey*, 280, 281.
 mortality on the *Surrey* due to neglect of,
 295.

Payne, Richard

particulars of sentence of, 91.
 seizure of schooner *Unity* by, 86, 184, 185.

Payne and Tyrce

owners of the ship *Argo*, 198.

Pear, —

arrival of, as a free settler, 141.

Pearce, John

particulars of sentence of, 251.
 seizure of sloop *Speedwell* by, 250.

Peel, Robert (right honorable)

letter from—
 to Beckett, J., 273.

Perseverance, colonial vessel

entry of, 195.

Phoenix, whaler

cargo of, 194.
 departure and particulars of, 194.
 despatch *per*, 1, 30, 57, 61, 70, 77, 78.
 fees paid on, 196.

Piesley, Hector

evidence of, at trial of McNaughton, A.,
 and Connor, P., 16.

Pike, John (captain)

embarkation of, on transport *Earl Spencer*,
 124, 163.
 member of criminal court for trial of
 McNaughton, A., and Connor, P., 7.

Pilots

fees proposed for, in Port Jackson, 421.

Piper, John (captain)

appointment of, as naval officer, 28.
 arrival of, 141, 158, 180.
 commission received by, 597.
 order for land grant for, 29.
 particulars of ship *Seringapatam* supplied
 by, 355.
 retirement of, from the army, 29.

Pitcher, Thomas, and Co.

owners of the *Broxbornebury*, 588, 592.

Pitcher (Pilcher), Thomas, junior

master of the *Broxbornebury*, 280, 588, 592.
 relief of the transport *Surrey* by, 281.

Platypus

specimens of, required for royal college of
 surgeons, 387.

Pomarre

loss of power by, 101, 103.
 restoration of the *Queen Charlotte* by, 97,
 101, 102.

Pook, Anthony (ensign)

embarkation of, on transport *Earl Spencer*,
 124, 163.

Port Dalrymple

See also "Tasmania."

abolition of office of surveyor at, 305.
 chaplain—
 at, 630.
 at, proposed appointment of, 126, 154.
 disapproval of military posts on overland
 route from Hobart to, 125.
 military garrison required at, 147.
 naval officer abolished at, 158.
 necessity for military posts on overland
 route from Hobart to, 306.
 opening of port at, 463, 470.
 proposed relief of detachment of 73rd regi-
 ment at, 120.
 reduction in civil establishment at, 135.
 removal of headquarters at, 125, 306.
 return—
 of civil staff at, 192, 598.
 of shipping to and from, 196, 199.
 shipment of wheat at, on brig *Kangaroo*,
 443, 444, 446, 448.
 visit of brig *Kangaroo* to, 446, 448.

Port Jackson

military, naval, and commercial advan-
 tages of settlement at, 73.

Port regulations

codification of, in England proposed by
 Macquarie, L., 399.
 consideration of, by Bent, Ellis, 394, 400.
 draft of, proposed by Macquarie, L., 411
 et seq.
 observations by Bent, Ellis, on draft pro-
 posed for, 401 *et seq.*
 refusal of Bent, Ellis, to revise and recode,
 395 *et seq.*, 409, 410, 422 *et seq.*

Porter, David

commander of American frigate *Essex*, 352.

Power, Richard

attestation of petition by, 354.
 petition for salvage by agent of, 352 *et seq.*
 recaptor of ship *Seringapatam*, 354.

Prayer Book and Homily Society

shipment of prayer books by, 387.

Printing press

- importance of, 604.
- requisition of paper and materials for, 605, 606.

Pritchard, John

- evidence of, at trial of McNaughton, A., and Connor, P., 23.

Proclamation

- by Davey, Thomas—
 - re* apprehension of bushrangers, 473, 474.
 - re* martial law in Tasmania, 566, 567.
- by Macquarie, L.—
 - re* bond required from shipping trading in South Seas, 98 *et seq.*
 - re* conditional amnesty for bushrangers, 264 *et seq.*

Public works

See also "Roads."

- appointment of inspector of, 158, 645.
- criticism by Bathurst, Earl, of, 643.
- erection of—
 - a church authorised by Bathurst, Earl, 643.
 - barracks, 152.
 - buildings at Castlereagh, 154.
 - military hospital, 152.
 - office for secretary, 152.
- public buildings required at Sydney, 153.

Putland, Mrs. Mary

- marriage of, to O'Connell, M. C., 4, 83.
- party spirit fostered by, 83, 84.

Quarantine

- ship *Surrey* placed in, 295.

Queen Charlotte, ship

- capture of, by South Sea islanders, 97, 101, 102.
- entry of, 204.
- restoration of, through influence of Pomaree, 97, 101, 102.
- sailing of, 596.

Queen, John

- landing of, by mutineers on brig *Daphne*, 109.

Quin, Edward

- evidence of, at trial of McNaughton, A., and Connor, P., 26.

Quit rents

- appointment of collector of, 304.
- collection of, 136.
- criticism by Macquarie, L., on proposed increase of, 304.
- increase of, proposed by Bathurst, Earl, 136.
- report by Oxley, John, on proposed increase of, 328 *et seq.*

Racoon, H.M. sloop

- observations of longitude on, 626.
- visit of, to the Sandwich islands, 625.

Raine, Thomas

- master of the *Surrey*, 588, 592.

Ralph, William

- treatment of, by Fodger, Michael, at Otaheite, 108.

Randall, John

- deposition of, *re* voyage of brig *Daphne*, 111, 116 *et seq.*
- reasons for sparing life of, by *Daphne* mutineers, 114.

Ransom, Lewis

- attestation of petition by, 354.
- petition for salvage by agent of, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Ransom, Thomas

- master carpenter at Norfolk Island, 164.
- recommendation of, by Hutchinson, Wm., 164.

Ranson, John

- death of, from typhus fever on the *Surrey*, 280.

Raymond, William (lieutenant)

- embarkation of, on transport *General Hewitt*, 163.

Reardon, Bartholomew

- constable at Hobart, 473.
- destruction of property of, by bushrangers, 472, 473.

Recovery, colonial vessel

- entry of, 195, 595.
- sailing of, 196, 596.

Redfern, William (assist. surgeon)

- attendance by, on convicts *ex Surrey* in quarantine, 295.
- government servants allowed to, 323.
- inquiry held by, *re* treatment of convicts on the *General Hewitt*, 244 *et seq.*
- letter from—
 - to Campbell, J. T., 244.
 - to Macquarie, Lachlan, 275.
- member of governor's party on visit to Bathurst plains, 570.
- memorial of, *re* conditions of service, 324 *et seq.*
- report by, on occurrence and prevention of disease on transports, 275 *et seq.*, 295.
- salary of, 190, 597.

Redman, John

- memorial of, *re* allowances, 323.
- salary of, as chief constable, 190, 598.

Reed, John

master of the ship *Minstrel*, 194.

Regiment, 1st

arrival of detachment of, *per ship Inde-fatigable*, 553.

detachment of, embarked on the *Frederick* for Madras, 564.

Regiment, 46th

arrival of detachment of—

per General Hewitt, 140.

per Marquess of Wellington, 462.

per Somersetshire, 462.

per Surrey, 274, 295.

per Three Bees, 254.

per Windham, 140.

augmentation of, proposed, 147, 148.

daily issue of spirits to be made to, 636.

memorial of Molle, G., *re* allowances to officers of, 376 *et seq.*

orders *re* paymaster's accounts of, 270 *et seq.*

relief of 73rd regiment by, 55, 119.

spirits, proposed daily issue of, to, 146, 147.

transmission of returns of, 240.

Regiment, 73rd

arrival of detachment of, *per Earl Spencer*, 118, 140.

claims of Luttrell, E., for medical attendance on, 155.

detachment of, remaining in the colony, 142, 313, 386, 461.

embarkation—

of detachment of—

on transport *Earl Spencer*, 119, 124, 141, 163.

on ship *General Browne*, 386, 461.

on transport *General Hewitt*, 141, 163.

on brig *Kangaroo*, 443, 562.

on transport *Windham*, 142, 163.

returns of, 124, 163.

land grants to officers of, refused by Macquarie, L., 4.

misconduct of officers and privates of, 1, 2.

murder of Holness, Wm., by officers of, 2 *et seq.*, 7 *et seq.*

orders for transfer of, to Cevlon, 55, 119.

proposal by Macquarie, L., for removal of, 4.

public censure of officers of, by Macquarie, L., 6.

relief of 102nd regiment by, 1.

uniforms to be worn by, in Sydney, 6.

Regiment, 80th

arrival of detachment of, *per ship Inde-fatigable*, 553.

detachment of, embarked on the *Frederick* for Madras, 564.

Regiment, 84th

arrival of detachment of, *per ship Inde-fatigable*, 553.

detachment of, embarked on the *Frederick* for Madras, 564.

Regiment, 86th

arrival of detachment of, *per ship Inde-fatigable*, 553.

detachment of, embarked on the *Frederick* for Madras, 564.

Regiment, 102nd

relief of, by 73rd regiment, 1.

Reiateans

capture of the *Daphne* by, 97, 101, 103.

Reiby, Mary

sandal-wood imported by, 196.

Religion

prohibition of any alterations in church service, 637.

shipment of prayer books for use in the colony, 387.

use of unauthorised version of psalms in churches, 336 *et seq.*

Resource, schooner

sale of, 438.

survey and condemnation of, 438.

Returns

of agriculture, 189, 601.

of births, deaths, and marriages, 205, 336, 597.

of cargoes, 193, 194, 200, 201, 588, 591, 592.

of civil and military officials, 190, 191, 192, 597, 598.

of inhabitants in the settlements, 186, 187, 188, 599, 600.

of live stock, 189, 601.

of military, 186, 599, 600.

of provisions in store, 187, 192.

of shipping, 193, 194, 195, 196, 198, 199, 200, 201, 202, 204, 588, 589, 591, 592, 595, 596.

Revenge, colonial vessel

entry of, 195, 199.

sailing of, 195, 196, 199.

Richmond

school-house erected at, 154.

Richmond, H. (commissioner of customs)

duty proposed by, on importation of wool from N.S.W. into England, 138.

Rickards, John

extra commissariat clerk, 190.

Ricketts, John

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Riley, Alexander

appointment of, as member of supreme court, 480:

compromise—

proposed by Bent, J. H., with, 531, 532.

with Bent, J. H., proposed by, 483, 534.

judicial experience of, 525.

letter from—

to Bent, Jeffery Hart, 516, 520, 521, 532.

to Macquarie, Lachlan, 509, 527, 529.

letter to—

from Bent, Jeffery Hart, 517, 521, 529, 531, 534.

member of bench of magistrates, 400.

protest of, against Bent's, J. H., refusal to

admit ex-convicts as attorneys, 481,

485, 511 *et seq.*, 515, 516, 521 *et seq.*

refusal of, to sit in court with Bent, J. H., 516, 517, 519.

report by, to Macquarie, L., *re* transactions of supreme court, 509 *et seq.*

request of, to be relieved from duty in supreme court, 509, 525.

ruling of, *re* admission of ex-convicts as attorneys, 505.

status of, as magistrate criticised by Bent, J. H., 520.

Riley, John

landing of, by mutineers on brig *Daphne*, 109.

Rio de Janeiro

visit of brig *Kangaroo* to, 123.

Ritchie, John (captain)

salary of, as commandant at Port Dalrymple, 192.

Roads

completion of, from Sydney to Windsor, 152.

construction of—

across the Blue Mountains, 314, 467, 558, 569, 570.

from Liverpool to Sydney, 152.

from Parramatta to Liverpool, 152.

criticism by Bathurst, Earl, on, from Sydney to Hawkesbury, 132.

expenditure—

on, 152.

on great western road, 315.

proposal for—

from Emu ford to Bathurst plains, 150.

from Parramatta to Emu ford, 152.

superintendent of, 305.

turnpikes erected on, 152.

Roberts, George

treatment of, by Fodger, Michael, at Otaheite, 108.

Roberts, William

salary of, as clerk to the judge, 597, 648.

Roberts, William

evidence of, at trial of Hoolaghan, M., and Suttar, A., 367.

Robinson, Michael

salary of, as clerk in secretary's office, 190, 597.

Robinson, Richard

salary of, as superintendent of mills, 191.

Robson, James

deposition of Dillon, P., *re* trading voyage of, to Fiji islands, 103 *et seq.*

master of the ship *Hunter*, 104.

Roche, B.

owner of the *Jefferson*, 588, 592.

Rogers, Mrs.

permission for, to embark on the *General Hewitt*, 57.

Rose, David

salary of, as superintendent of stock at Port Dalrymple, 192, 598.

Rose, John

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Rose, Thomas

grant of, adjacent to that of Jamison, Sir John, 317.

Ross, Samuel (surgeon)

evidence of, at trial of McNaughton, A., and Connor, P., 17.

surgeon of transport *Fortune*, 17.

Rouse, Richard

salary of, as superintendent of works, 191, 598.

Royal College of Surgeons

natural history specimens required by, 387.

Russel, William

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Russell, John (constable)

arrest of seaman of H.M.S. *Samarang* by, 49.

Russell, Patrick

particulars of sentence of, 91.
seizure of schooner *Unity* by, 86, 184, 185.

Rutter, Mrs. Charlotte

memorial of, for free passage for children of, 374, 375.
widow of Rutter, Wm., salt-boiler, 374.

Salter, George

salary of, as superintendent at Castle Hill, 598.

Samarang, H.M. sloop

arrival of, with specie, 30.
departure of, for India, 32.
deserters from, 67, 70.
dispute *re* supply of coals to, 30 *et seq.*
pressing of men for crew of, 32.
riotous conduct of officers of, 32 *et seq.*
shipping of convicts in, 32, 45.
survey and condemnation of, 35.

Sandal-wood

importations of, return of, 196.

Sandwich islands

advantages of, in event of war, 626.
resort of American vessels to, 625, 626.
visit to—
of H.M.S. *Cherub*, 624 *et seq.*
of H.M. sloop *Racoon*, 625.

Sandwich islands, king of

provisions supplied to H.M. ships by, 625.
request of, for the present of a vessel, 625.
type of vessel suitable for, 627.
vessel to be given to, 624.

Savage, Charles

a European resident in Fiji islands, 104.
murder of, by natives, 105.

Savigny, J.

master of the *Alligator*, 588, 589.

Scarr, Edward

particulars of sentence of, 251.
seizure of sloop *Speedwell* by, 250.

Scipion, H.M.S.

convicts escaped from Norfolk Island received on board of, 85, 87, 90.

Scott, Alexander

master of transport *Somersetshire*, 462, 591, 592.

Scott and Co.

owners of the brig *Hibernia*, 589.

Scottowe (Skottowe), J. (lieutenant)

salary of, as commandant at Newcastle, 191.

Seringapatam, ship

arrival—
and particulars of, 588.
of, 312, 350.
capture of, by frigate *Essex*, 312, 313, 350, 352.
cargo of, 592.
claims for salvage of, 353.
departure and particulars of, 592.
despatch *per*, 274, 293, 336, 338, 350, 356, 367, 374, 375.
dispatch of, to England for adjudication, 313, 351.
fees paid on, 590, 593.
license as registration for, 355.
recapture of, at the Marquesas islands, 313, 350, 353, 588.

Settlers, free

abolition of government retail stores for, 464, 471, 472.
dependence of, on government purchases, 330.
inquiries to be made into financial status of, 130.
method adopted in England for recommending, 129.
proposals of Macquarie, L., for, west of Blue Mountains, 559.
proposed encouragement of surgeons as, 155, 644.
regulations *re* allowances to, 130, 303.
supply of grain to government by, 255, 257 *et seq.*
victualling of—
and their servants, 130.
by government, 302.

Sewell, Samuel

attestation of petition by, 354.
petition for salvage by agent of, 352 *et seq.*
recaptor of ship *Seringapatam*, 354.

Sheers, James

salary of, as assistant in hospital dispensary, 191.

Shell, Joseph

landing of, by mutineers on brig *Daphne*, 109.

Shelley, William

letter from—
to Macquarie, Lachlan, 370, 371.
native institution to be established under direction of, 369 *et seq.*
plan and estimates *re* native institution by, 372, 373.

Shelly, William

master of the *Queen Charlotte*, 101, 102, 108.

Shepherd, S.

legal opinion of, *re* execution of Amil, P.,
by Walker, T., 623.

Shipman, Francis

execution of, 236.
inadmissibility of evidence of, against Fos-
brook, L., 236, 237.

Shipping

instructions—

re registration of prize ships, 60, 61.

re trading of foreign vessels, 648.

regulations for, *re* trading in South Seas,
98 *et seq.*

returns of, 193, 194, 195, 196, 198, 199,
200, 201, 202, 204, 588, 589, 591,
592, 595, 596.

inwards, 193, 195, 198, 199, 201, 204,
588, 591, 595.

outwards, 194, 195, 196, 198, 199, 200,
202, 204, 589, 592, 595, 596.

vessel to be completed in government dock-
yards, 442.

Shoalhaven

return of shipping to and from, 199, 204.

Shreeves, Robert

inaccuracy of statements of, 628.
petition of, *re* his pardon, 629.

Siddons, Richard

master of the *Campbell Macquarie*, 588,
589, 591.

Sides, Richard

salary of, as superintendent at Port Dal-
rymple, 598.

Sidmouth, Lord

letter from—
to Bathurst, Earl, 94, 388.

Sierra Leone

convicts transported from, 602.

Simmonds (or Simmons), William

master of the transport *Catherine*, 253, 589.

Sims, Mrs.

victualling of, by government, 302.

Skelton, John (lieutenant)

summons to Hobart of, to sit on court
martial under martial law, 566, 567.

Smart, Robert

master of the *Morning Star*, 588.

Smith, George

extra commissariat clerk, 190.

Smith, Haddon (captain)

embarkation of, on transport *Earl Spencer*,
124, 163.

salary of, as commandant at Parramatta,
191.

Smith, J.

arrival of, *per Indefatigable*, 553.
recommendation of, as settler, 270.

Smith, John (assist. surgeon)

salary of, 192, 598.

Smith, Oliver

salary of, as overseer at Hobart, 191.

Solicitors

appointment of, on recommendation of
Bent, J. H., 139, 268.

salaries of, 139, 268, 311.

Somersetshire, ship

arrival—

and particulars of, 591.

of, 462.

assignment of convicts on, 249.

cargo of, 591.

departure and particulars of, 592.

despatch *per*, 249.

fees and duties paid on, 593.

terms demanded for charter of, 386.

Soult, Marshal

defeat of French armies under, 70.

South Sea Islands

bond required from shipping trading with,
99.

depositions relating to voyage to, 103 *et seq.*

Europeans resident in, 102, 104, 107.

ill-treatment of natives of, by traders, 96
et seq.

regulations for shipping engaged in trade
with, 96, 98 *et seq.*

Specie and currency

dollars, holey, issue of, 145, 311.

receipt for issue of, by Allan, D., 332.

regulations for consolidation of dollars into
treasury bills, 146.

Speedwell, sloop

entry of, 195, 199.

sailing of, 196, 199, 204.

seizure of, by convicts at Newcastle, 250.

Spirits

barter of, by hospital contractors, 132.

daily issue of, to be made to military, 636.
duty—

imposed on, 464, 471.

proposed on, 128, 310.

Spirits

- effects of free importation of, 133.
- extension of privileges for importation of, under hospital contract, 310, 641.
- importation of, to be unrestricted, 128, 310, 463, 470.
- infringement of hospital contract by importation of, 309.
- landing and bonding of, 471.
- proposed issue of, to military, 146, 147.
- returns of importations of, 193, 198, 201, 588, 591.

Springwood

- visit of Macquarie, L., to, 570.

Spring, brig

- arrival—
 - and particulars of, 588.
 - of, 141.
- cargo of, 588.
- departure and particulars of, 589.
- fees paid on, 590.
- voyage of, from Port Dalrymple to Sydney, 451, 453.

Spring Grove, brig

- arrival and particulars of, 193.
- cargo of, 193, 194.
- departure and particulars of, 194.
- fees paid on, 196, 197.

Stanley, Martin

- attestation of petition by, 354.
- petition for salvage by agent of, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Starkey, Thomas

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Statistics

- vital—
 - births, deaths, and marriages, 205, 336, 597.
 - inhabitants, 186, 187, 188, 599, 600.

Steam-engine

- erection of, by Dickson, John, 159.
- importation of, by Lang, Walter, 478.

Stewart, Andrew

- mistake in record of assignment of, 628.

Stewart, Francis

- private of guard on brig *Kangaroo*, 445.

Stewart, George (ensign)

- arrival of, *per Northampton*, 554.

Stewart, James

- assistant wharfinger, 597.

Stewart, James (general)

- service of Macquarie, L., on staff of, 397.

Stewart, Thomas

- owner of the *Alligator*, 588, 589.

Stewart, Thomas

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Stewart, William

- use of vessel of, to carry wheat at Port Dalrymple, 449.

Stiles, Herbert

- particulars of sentence of, 251.
- seizure of sloop *Speedwell* by, 250.

Stopgood, John

- death of, from typhus fever, on the *Surrey*, 279.

St. Phillip's church

- inadequacy of, '153.
- use of unauthorised version of psalms at, 337, 338.

Strover, — (lieutenant, R.N.)

- damage to premises of Clarkson, T., by, 32, 47, 49.
- mistaken identity of, 34, 54.
- release of sailor from watch-house by, 32, 47, 50 *et seq.*

St. Sebastian

- capture of town and castle of, 91.

Stubbs, Hester

- affidavit of, *re* riotous behaviour of naval officers, 50 *et seq.*
- boarding-house of, 49.

Styles, William

- attestation of petition by, 354.
- petition for salvage by agent of, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Supreme court

- announcement of first meeting of, 480.
- appointment of officers of, by Bent, J. H., 539.
- approval of governor necessary for rules of practice of, 507.
- constitution of, 480.
- decision of Bent, J. H., to await the arrival of Garling, F., 466.
- delay in opening of, 466.
- general minutes of proceedings of, 510 *et seq.*

Supreme court

- limitations of control of Macquarie, L., over, 539.
- majority rulings to prevail in, 506.
- meetings and adjournments of, 480, 510 *et seq.*, 521.
- minutes of proceedings of members of, in chambers, 528, 529.
- petitions to, for admissions as attorneys, 480, 481 *et seq.*
- provision in patent for disagreement amongst members of, 506.
- report by Broughton, W., and Riley, A., *re* transactions in, 509 *et seq.*
- rulings of, *re* admission of ex-convicts as attorneys, 505.
- suspension of sittings of, 487, 506, 531.

Surgeons

- See* also "Alt," "Arnold," "Bowden," "Carter," "Dermott," "Evans," "Harris," "Hopley," "Hughes," "I'Anson," "Jamison," "Luttrell," "Mountgarrett," "Napper," "Redfern," "Ross," "Smith," "Thomas," "Wentworth," "West," "Younge."
- appointments of, to transports, 290, 291.
- claims of, for attendance on military, 155.
- incompetency of, on transports, 290, 291.
- memorial of, *re* conditions of service, 324 *et seq.*
- participation of, in trade, 156.
- proposed encouragement of, as free settlers, 155, 644.

Surrey (Surry), ship

- arrival—
 - and particulars of, 588.
 - of, 274, 293.
- cargo of, 588, 592.
- convicts *per*, 269, 274, 295.
- deaths of captain, surgeon, and mates on, 274, 281.
- departure and particulars of, 592.
- fees and duties paid on, 590, 593.
- mortality from typhus fever on, 274, 295.
- quarantining of, 295.
- report by Redfern, Wm., on treatment of convicts on, 279 *et seq.*, 295.

Suttar, Alexander

- free pardon for, 631.
- pardon proposed for, 357.
- proceedings at trial of, 357 *et seq.*
- suspension of sentence on, 356, 357.
- trial and conviction of, for murder, 356.

Sutton, William

- appointment of Williams, G., as successor to, 126.
- storekeeper, 190.

Sydney

- burning of transport *Three Bees* at, 254, 255.
- completion of road from, to Windsor, 152.
- construction of road from, to Liverpool, 152.
- criticism by Bathurst, Earl, on road from, to the Hawkesbury, 132.
- damage to town of, by hail-storm, 261, 262.
- improvements to the town of, 554.
- opening of port at, 463, 470.
- public buildings required at, 153.
- returns—
 - of agriculture at, 601.
 - of births, deaths, and marriages at, 205, 336, 597.
 - of inhabitants at, 186, 187, 599, 600.
 - of live stock at, 601.
 - of military at, 186, 599.
- turnpike erected near, 152.

"Sydney Gazette and N. S. Wales Advertiser" (newspaper)

- transmission of copies of, 70, 265, 375, 619.

Sydney Packet, ship

- arrival and particulars of, 591.
- cargo of, 591.
- despatch *per*, 479, 542, 553, 604, 608, 619, 620.
- fees and duties paid on, 594.

Symer, —

See "Button, William."

Tanning

- report by Hutchison, John, on his researches for agents for, 222 *et seq.*

Tasmania

- See* also "Hobart," "Port Dalrymple."
- civil court to be established in, 126.
- depredations by bushrangers in, 250, 465, 466, 473, 554 *et seq.*
- expenditure at, in 1807-8, 379.
- jurisdiction of civil court in, 126.
- legal disabilities of settlers in, 307.
- martial law proclaimed in, by Davey, T., 555, 566, 567.
- military posts on overland route in, 125, 306.
- necessity for establishment of law courts in, 151, 465.
- payment of drafts from, 551.
- proposed immigration to, 306.
- prospects—
 - of harvest in, 557.
 - of settlements in, 125.
- reliefs of military sent in transport *Windham* to, 142.

Tasmania

- return of—
 - births, deaths, and marriages in, 205, 336.
 - inhabitants in, 188.
- settlement of marines in, 127.
- surveyor's instruments required for, 161, 206.
- unsettled state of, 464.
- want of efficient police in, 465.

Taylor, William

- proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Te-pahi

- death of daughter of, at Sydney, 252.
- marriage of Bruce, George, to daughter of, 92, 251.
- reasons of, for massacre of crew of the *Boyd*, 94.
- voyage of, to New Zealand in the *Lady Nelson*, 92.

Thames, river (N.Z.)

- visit of Marsden, Rev. S., to, 577.

Thomas, John

- salary of, as harbour-master at Port Dalrymple, 192.

Thomas, William S. (surgeon, R.N.)

- damage to premises of Clarkson, T., by, 32, 47, 49.
- demand by Macquarie, L., for surrender of, for trial, 34, 46.
- inquiry demanded by, 52.
- letter from—
 - to Macquarie, Lachlan, 52.
 - letter to—
 - from Macquarie, Lachlan, 53.
- release of sailor from watch-house by, 32, 47, 50 *et seq.*
- trial and acquittal of, 34.

Thompson, Andrew

- trading ventures of, in New Zealand, 583.

Thompson, Charles

- land grant of, adjacent to that of Jamison, Sir John, 317.

Thompson, Jerry

- landing of, by mutineers on brig *Daphne*, 109.

Thompson, Joseph

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 367.

Thompson, Thomas (lieutenant)

- salary of, as commandant at Newcastle, 598.

Thorby, William

- cooper, 190.

Thorn, William

- salary of, as assistant to chief constable, 191, 598.

Thornbury, Thomas

- private in governor's bodyguard, 191.

Three Bees, transport

- arrival of, 253.
- burning of, in Sydney Cove, 254.
- convicts *per*, 253.
- despatch *per*, 91, 92.
- mortality and sickness of convicts on, 253, 254, 278, 279.

Throsby, Charles

- agent for Jamison, Sir John, 317.

Thrupp, Alfred

- arrival of, 141.
- recommendation of, as a settler, 29.
- salary of, as assistant naval officer, 597.

Tims (Timms), Martin

- appointment of, as provost-marshal in Tasmania, 266.
- commission for, 267.
- provost-marshal at Hobart, 598.
- salary of, 266.

Tokis, —

- See* "Brown, William or Richard."

Tollis, Thomas

- corporal in governor's bodyguard, 191, 598.

Torrens, H. (major-general)

- letter to—
 - from Macquarie, Lachlan, 375.

Trade and Commerce

- See* also "Market," "Market values."
- abolition of government retail stores, 464, 471, 472.
- freedom of ports for, 128, 310, 463, 470.
- instructions *re* trading of foreign vessels, 648.
- monopoly of, to be prohibited, 128.
- proposal for a trading company in New Zealand, 561, 583 *et seq.*
- trading by civil officials, 58, 156, 260, 644.
- want of local market for grain, 58.

Transport, Commissioners of

- letter from—
 - to Macquarie, Lachlan, 387.
- letter to—
 - from Macquarie, Lachlan, 244, 274.

Treasury, Commissioners of

letter to—
from Long, Charles, 271.

Tress, Richard

brother-in-law of Broughton, Wm., 605.
request for free passage for, 605, 608.

Trial, colonial vessel

sailing of, 196.

Tucker, John

storekeeper, 190.

Tucker, T. T. (captain, R.N.)

description by, of type of vessel for king
of Sandwich islands, 627.
letter from—
to Croker, J. W., 625, 627.
observations of longitude by, 626.
proposal of, for present of vessel to king of
Sandwich islands, 624, 625.
visit of, in H.M.S. *Cherub* to Sandwich
islands, 624 *et seq.*

Tween, John A.

master of the ship *Northampton*, 553.

Twofold Bay

proposed refitting at, of French expedition
against the colony, 76.

Tygh, John

member of exploring party of Evans, G. W.,
177.

Tyler, Mark

See "Button, William."

Typhus fever

historical outbreaks of, 287, 288.
inquiry *re* outbreak of, on the *General
Hewitt*, 245 *et seq.*
report by Redfern, Wm., on occurrence and
prevention of, on transports, 275 *et
seq.*

Underwood, James

bond given by, for Fosbrook, L., 333, 334.

Underwood, Joseph

agent for recaptors of *Seringapatam*, 354.
bond given by, for Fosbrook, L., 333, 334.
memorial of, to vice-admiralty court on
behalf of recaptors of the *Seringa-
patam*, 351, 352.
owner of the *Betsey*, 592.
supplies given by, to recaptors of the
Seringapatam, 351.

Unicorn, colonial vessel

entry of, 195.

Union, colonial vessel

entry of, 195, 199, 595.
sailing of, 196, 204, 595.

Unity, schooner

application by Mansel, W. H., for com-
pensation for loss of, 160, 184, 185.
refusal of compensation for loss of, 644,
646.
return of convicts who escaped in, 91.
seizure of, by convicts at Hobart, 86, 160,
184.

Vale of Clwyd

naming of, by Macquarie, L., 572.

Vale, Reverend Benjamin

allowances granted to, 299.
arrival of, in the *Broxbornebury*, 296.
discontent shown by, 299, 300.
duties assigned to, 299.
government servants allowed to, 323.
proposed appointment of, as chaplain at
Liverpool, 300.
salary of, 597.

Vancouver, George

accuracy of observations made by, 626.

Vanderkiste, —

chief mate of the brig *Daphne*, 109.
wounding and escape of, during mutiny,
109.

Veteran company

employment of, in providing local guards,
148.
return of, 600.

Vice-Admiralty Court

dismissal by, of case of ship *Seringapatam*,
351.
instructions *re* registration of ships con-
demned as prizes by, 60, 61.

Victory, H.M.S.

service of 'Brest, W., under Nelson, Viscount,
on, 384.

Vittoria

victory of British forces at, 1.

Wade, John

chief constable at Hobart, 473.
misconduct of, 473.
withdrawal of land grant to, 473.

Wade, Robert (Richard)

salary of, as church belfry man, 190, 598.

Waimate (N.Z.)

visit of Marsden, Rev. S., to, 579.

Waitangi (N.Z.)

visit of Marsden, Rev. S., to, 579.

Walker, Robert Stewart

allegations by Case, Wm., against, 67.
master of brig *Governor Macquarie*, 63.
resistance by, to seizure of brig *Governor Macquarie*, 64.

Walker, Thomas

master of the ship *Fortune*, 194.

Walker, Theodore

admission of, to bail, 98.
denial of charge of murder by, 113.
execution of Amil, Peter, at Otaheite by,
97, 101, 110, 113, 114, 116, 117.
legal opinion on case of, 623.
master of brig *Endeavour*, 97.
orders for, to be sent to England for trial,
622.
proposed trial of, 97, 98.
recapture of the *Daphne* by, 97, 110, 112,
113, 114, 116, 117.

Walker, William

agent for Fairlie, Ferguson and Co., 340.
compensation offered to, for surrender of
lease, 340.
correspondence with, *re* surrender of lease
of Palmer, J., 342 *et seq.*
lease—
assigned to, by Palmer, J., 346.
of Palmer, John, held by, 340.
legal advice to be taken by, 346.
letter from—
to Campbell, J. T., 344, 346.
letter to—
from Campbell, J. T., 342, 345, 348.
notice to quit served on, 340, 343.

Wall, William

storekeeper, 190.

Wallis, John

master of the transport *Three Bees*, 253.

Walton, Thomas

private of guard on brig *Kangaroo*, 445.

Wanstead, transport

arrival—
and particulars of, 201.
of, 119, 140.
assignment of convicts *per*, 59.
cargo of, 201.
convicts *per*, 119, 140.
departure and particulars of, 202.
despatch *per*, 1, 55, 57, 138.
fees paid on, 203.

Ward, —

reasons for sparing life of, by *Daphne*
mutineers, 114.

Warriner, Samuel

salary of, as superintendent at Hobart, 191.

Waterloo

announcement of the battle of, 622.

Watson, Edward

delivery of coals by, to H.M.S. *Samarang*,
31, 38, 39, 40.
master of the *Estremina*, 38.

Watson, Robert (harbour master)

affidavit of, *re* delivery of coals to H.M.S.
Samarang and his arrest, 38 *et seq.*
allegations by Case, Wm., against, 67.
dispute of, with Ballard, John, *re* delivery
of coals to H.M.S. *Samarang*, 31, 38,
39, 40, 41.
illegality of arrest of, 37, 44.
imprisonment of, by Ballard, John, 31, 38,
39, 40, 41, 42.
justification of arrest of, by Case, Wm., 42.
pilot in charge of brig *Governor Macquarie*
when seized by Case, Wm., 63.
salary of, as harbour-master, 597.

Watson, Thomas (George or Richard)

particulars of sentence of, 91.
seizure of schooner *Unity* by, 86, 184, 185.

Watts, John (lieutenant)

aide-de-camp of Macquarie, L., 570, 598.
member of governor's party on visit to
Bathurst plains, 570.

Wellington, Duke of

success of British forces under, 1, 70.
victory of, at Waterloo, 622.

Welsh, James

treatment of, by Fodger, Michael, at Ota-
heite, 108.

Wentworth, D'Arcy (lieutenant)

embarkation of, on transport *Earl Spencer*,
124, 163.

Wentworth, D'Arcy (prin. surgeon)

attendance by, on convicts *ex Surrey* in
quarantine, 295.
evidence of, at trial of McNaughton, A.,
and Connor, P., 16.
inquiry held by, *re* treatment of convicts
on the *General Hewitt*, 244 *et seq.*
letter from—
to Campbell, J. T., 244.
member of bench of magistrates, 400.

Wentworth, D'Arcy (prin. surgeon)

memorial of, *re* conditions of service, 324
et seq.

post-mortem examination of body of Holness, Wm., by, 16 *et seq.*

quarters provided for, 381, 382, 383.

salary of—

as acting principal surgeon, 131.

as principal surgeon, 190, 597.

as superintendent of police, 131, 311, 597.

Wentworth, William Charles

limits of exploration of, 167, 572.

naming of hill by Evans, G. W., after, 167.

passage of Blue Mountains accomplished by, 569.

West, Major (transport surgeon)

order for land grant to, 378.

recommendation of, for vacancy in medical service, 378.

West-more-land

name given by Macquarie, L., to country west of Blue Mountains, 150.

Weymark, Thomas

free pardon for, 636.

Whalan, Charles

sergeant of governor's bodyguard, 191, 598.

Whale, colonial vessel

entry of, 195, 199, 595.

sailing of, 195, 196, 199.

Whangaroa (N.Z.)

loss of ship *Boyd* at, 94, 577, 583.

Wheeler, Mrs.

permission for, to embark on the *General Hewitt*, 57.

White, Andrew

arrival of, *per* ship *Northampton*, 554.

recommendation of, as a settler, 384.

White, John

execution of, 357.

trial and conviction of, for murder, 356.

White, Robert

attestation of petition by, 354.

petition for salvage of agent for, 352 *et seq.*

recaptor of ship *Seringapatam*, 354.

Whitehead, John

proclamation of conditional amnesty for, as bushranger, 264 *et seq.*

Whiteman, John

evidence of, at trial of Hoolaghan, M., and Suttar, A., 363.

Wilberforce

school-house erected at, 154.

Wilkinson, John

arms supplied by, for use in Tasmania, 473.

despatch entrusted to, 565.

master of ship *Sydney Packet*, 473, 565, 591.

survey of brig *Emu* by, 586, 587.

William and Ann, colonial vessel

entry of, 195, 199.

proposed hiring of, to carry wheat, 449.

sailing of, 196, 199.

William and Mary, colonial vessel

entry of, 195, 199, 204.

sailing of, 195, 196, 199, 200.

Williams, Francis

trading ventures of, in New Zealand, 583.

Williams, George

appointment of, as storekeeper, 126.

late acting deputy commissary at Port Dalrymple, 250.

leader of marauding bushrangers, 250.

passage to be provided for wife of, 126.

proclamation of conditional amnesty for, 264 *et seq.*

sent *per* brig *Kangaroo* to Sydney from Hobart, 445.

Williams, George

arrival of, in the *Broxbornebury*, 296.

land grant promised to, 296.

Williams, Henry

shooting of, by Fodger, Michael, at Otaheite, 108.

Williams, J. T.

master of the *Britania*, 201.

Wilson and Co.

owners of—

the brig *Atalanta*, 193, 194.

the ship *Spring Grove*, 193, 194.

Wilson, G. (commissioner of customs)

duty proposed by, on importation of wool from N.S.W. into England, 138.

Wilson, John

See "Milsom, Henry."

Wilson, William

recommendation of, as settler, 270.

Winch, Elizabeth

evidence of, at trial of McNaughton, A., and Connor, P., 11, 12, 13.

Windham, transport

- arrival—
 - and particulars of, 201.
 - of, 140.
- cargo of, 201.
- delay in effecting repairs to, 141.
- despatch *per*, 27, 28, 59, 60, 70, 71, 72.
- embarkation of troops on, 119, 142, 163.
- fees paid on, 203, 335.
- reliefs of military sent to Tasmania in, 142.

Windsor

- civil officials at, 191.
- completion of road from Sydney to, 152.
- erection of turnpike near, 152.
- military guard required at, 148.
- return—
 - of agriculture at, 601.
 - of inhabitants at, 599, 600.
 - of live stock at, 601.
 - of military at, 599.
- school-house erected at, 154.
- storekeeper at, 157.

Windsor, colonial vessel

- entry of, 195, 199, 204.
- sailing of, 195, 196, 199, 596.

Woodford, William

- release of, from watch-house by naval officers, 32, 47, 50 *et seq.*
- seaman of H.M.S. *Samarang*, 49.

Wool

- duties proposed on importation of, from N.S.W. into England, 137, 138.
- report by Hutchison, J., on experiments in manufacture of, 228 *et seq.*

Woolaghan, Michael

See "Hoolaghan, Michael."

Wolly, Thomas

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 361.

Workman, Jeremiah

- attestation of petition by, 354.
- petition for salvage of agent for, 352 *et seq.*
- recaptor of ship *Seringapatam*, 354.

Wyatt, Susan

- evidence of, at trial of Hoolaghan, M., and Suttar, A., 361.

Yates, Edward Isaac

- extra commissariat clerk, 190.

Yates, Isaac

- extra commissariat clerk, 190.

York, H.E.H. Duke of

- memorial to, from Molle, G., for colonial allowances to military, 376 *et seq.*

Youl, Reverend John

- appointment of, as chaplain at Port Dalrymple, 630.
- commission for, 630.

Young, —

- interpreter to king of Sandwich islands, 625.

Younge, Henry St. John (assistant surgeon)

- appointment of, *vice* Hopley, Wm., 564.
- arrival of, 141.
- evidence of, at trial of Hoolaghan, M., and Suttar, A., 365.
- incompetency of, 155.
- memorial of, *re* conditions of service, 324 *et seq.*
- salary of, 190, 597.

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